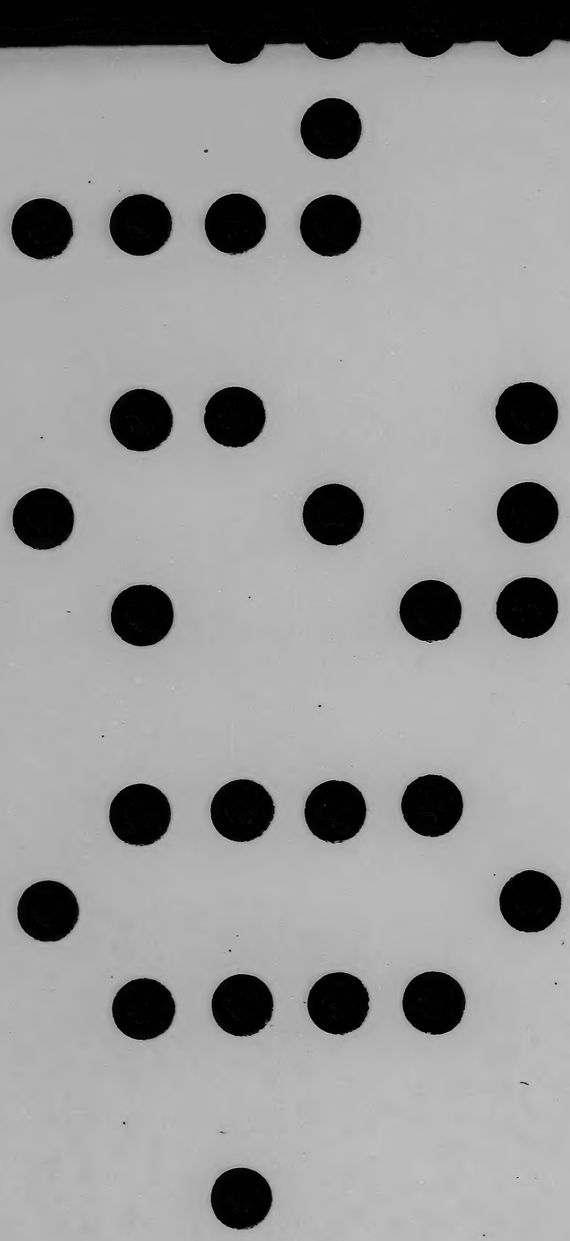

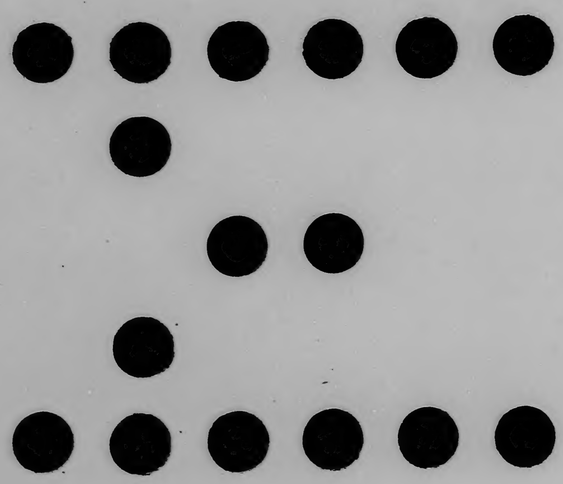

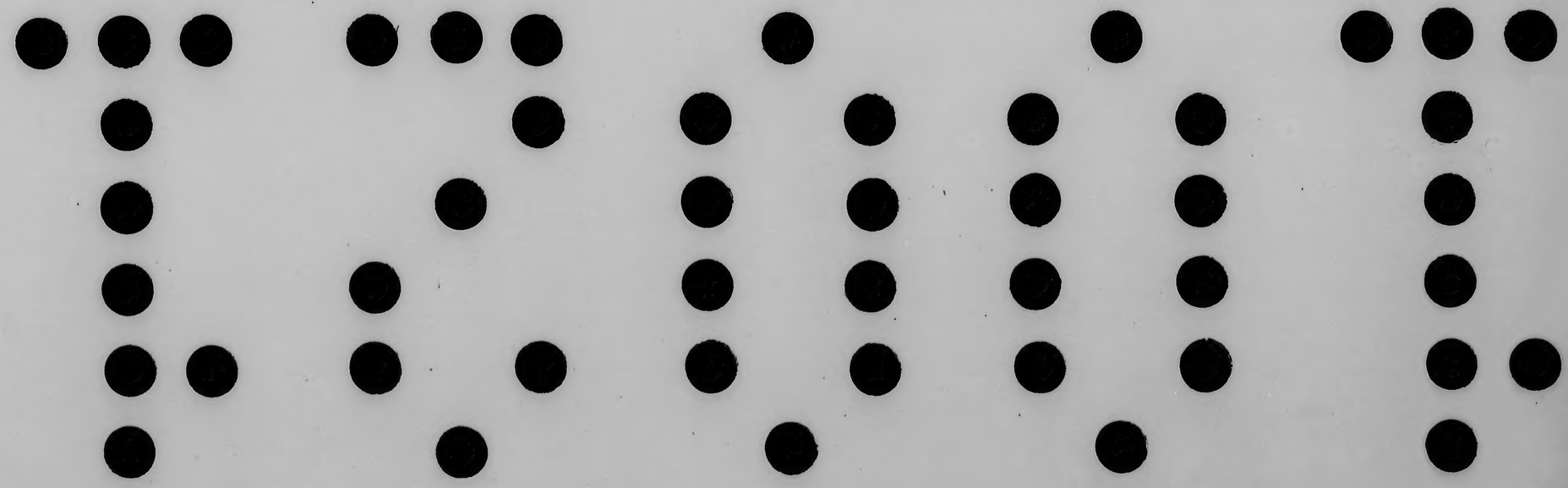

Microfilmed by

North Carolina Department of Archives and History

Division of Archives and Manuscripts

Raleigh, North Carolina

BUNCOMBE COUNTY
CITY OF ASHEVILLE
COUNCIL MINUTES

VOL 35

YEARS 1964 1968

PAGES 1 476

FILMED 7 11 73

RED RAT 16 1

	PAGE
Ad Valorem Tax - comparison with License and Privilege Tax - complaint of Harry Winner	1
Asheville Airport - proposal to lease certain property, Harold C. Wilburn	
Audit - City of Asheville Board of Alcoholic Control - period ending June 30, 1964	16
Alley - off Mildred Place - petition to close	18
Asheville Airport - offer of Frederic A. Manchester to operate Air Travel Insurance booth	29
Alley - off Mildred Place - resolution setting date of public hearing on petition to close	31
Asheville Board of Alcoholic Control - resignation of J. O. Buchanan	32
Asheville Airport - proposal of John A. Duke Enterprises to operate air travel insurance booth	32
Asheville Board of Alcoholic Control - appointment of member (H. G. Strom)	32
Asheville Airport - contract with Frederic A. Manchester and wife (a partnership) and John A. Duke Enterprises - flight insurance	35
Arco Road Extension (between Governor's View Road and Hillside Road) - paving authorized	45
Audit - City - period ending June 30, 1964	47
Alley - off Mildred Place - resolution closing	47
Algary, W. F. - report on convention of National Association of Housing and Redevelopment Officials	48
Asheville School Board - resignation of Mrs. Don R. Printz	51
Asheville School Board - appointment of member (Mrs. William T. Pennell)	52
Ashe, James E. - agreement with for audit of city	55
Audit - City of Asheville Board of Alcoholic Control - September 30, 1964	56
Alley - Doctors' Park - off Biltmore Avenue - request to be closed	58
Alley - Doctors' Park - resolution setting date of public hearing on request to close	60
Asheville Airport - lease of property near to Wilburn Associates, Inc.	64
Asheville Airport - request of American Enka Corporation for tie-down space	65
American Enka Corporation - request for tie-down space at Asheville Airport	65
Asheville Airport - amended lease with A & H Flying Service, Inc. authorized	66
A & H Flying Service, Inc. - amended lease for property at Asheville Airport authorized	66
Audit - city - period ending November 30, 1964	68
Alley - Doctors Park - resolution closing as public alley	70
Alley - between Burton Street and Buffalo Street - request to open (Mrs. Beatrice Hendrix)	77
Asheville-Biltmore College - letter of appreciation	80
Audit - City of Asheville Board of Alcoholic Control - December 31, 1964	81

	PAGE
Automobiles, junk - request of wrecker services	82
Asheville Art Museum Building Committee - request for funds	89
Agricultural Livestock Center - deed for authorized	95
Asheville School Board - appointment of members (Michael F. Keleher and Philip N. Sales)	96
Appalachian Regional Commission - resolution endorsing location of in Asheville	96
Audit - period ending December 31, 1965	99
Automobiles - junk or abandoned - City Manager authorized to proceed	101
Annual Report - Police Department	104
Asheville Youth Orchestra - invitation to attend concert	105
Asheville Airport - discussion concerning Barbershop and Shoeshine service at	106
Audit - City of Asheville Board of Alcoholic Control (period ending March 31, 1965)	107
Alley - designated as Truckway - off McDowell Street - formally accepted by City	108
Ambulance service - discussion - report of City Manager	112
Airport - grass - discussion	114
Asheville Council of Garden Clubs - resolution re planting trees	114
Asheville Airport - offer to purchase property near (T. O. Youngblood)	114
Ambulance service - report of City Manager	115
Advisory Board - Smoke Abatement - appointment of members - Mrs. J. C. Hall, Mrs. Mamie C. Clayton	121
Appeal Board - Smoke Abatement - appointment of members (Hal Tribble and S. E. Sanders)	121
Adams, William, Jr. - appointed member of Board of Adjustment (Planning & Zoning)	126
Acee, John - appointed member of Board of Adjustment (Planning & Zoning)	126
Ambulance Service of Charlotte, Inc. - contract with	126
Audit - period ending March 31, 1965	126
Asheville Apartments - Site Plan - Approved	128
Ambulance service - amendment requested to Ordinance 519	131
Ambulance Service of Charlotte, Inc. - request for extension of time to begin service	132
Airport - Boiling Springs Baptist Church - interest of Henderson County Board of Education to be purchased	132
Asheville Coordinating Committee on Traffic Safety - resolution creating	132
Agreement (Memorandum of Understanding) - City of Asheville, Town of Biltmore Forest, Buncombe County, and North Carolina State Highway Commission	132
Asheville Apartments - Site plan approved	136
Aston Park Hospital, Inc. - offer to purchase Rhododendron Park property	140
Audit - City of Asheville Board of Alcoholic Control - period ending June 30, 1965	142
Asheville Cablevision, Inc. (Robert O. Hofland) - proposal to install CATV	143

	PAGE
Asheville Garden Club - clean-up - litter	144
Alto Avenue - request to close portion of	145
Atkins, Harry - reappointed member of Planning and Zoning Commission	146
Airport - property near - offer to purchase Wilburn Associates, Inc.	149
Alcoholic Control Board - request to move location of warehouse and store	152
Airport - property near - resolution authorizing advertisement for sale (Wilburn Associates offer)	152
Ambulance Service of Asheville, Inc. - granted Certificate of Public Convenience and Necessity	152
Asheville Airport - resolution authorizing advertisement for bids for strengthening runway, taxiways and apron	152
Audit - period ending June 30, 1965	153
Aston Park Hospital - Buncombe County Planning Council to make study of offer to purchase Rhododendron Park	153
Alley - off Oakley Road - request to close	154
Audit - Board of Tax Supervision	155
Audit - Sinking Fund Commission for Buncombe County	155
Asheville Airport - bids for strengthening runway, taxiways and apron	156
Asheville Airport - contract awarded to Warren Brothers Co. for strengthening runway, taxiways and apron	156
Asheville Airport - resolution accepting Grant Offer by Federal Aviation Agency for strengthening runway, taxiways and apron	156
Asheville Airport - schedule of closing for work on runway, etc.	158
Asheville Cablevision, Inc. - awarded contract to install CATV in city	160
"Apartment Development, Parkway Mortgage Company" - public hearing on site plan set	163
"Asheville Arms" - public hearing on site plan set	164
Ambulance service - report of City Manager	164
Accounting Department - to do accounting for Metropolitan Sewerage District Board of Buncombe County, North Carolina	164
Airport - property on Fanning Bridge Road sold to Harold C. Wilburn	165
Airport - strengthening runway - report of City Manager	165
Asheville Arms - site plan approved	166
Apartment Development, Parkway Mortgage Company - site plan approved	166
Ashe, James E. - agreement to audit	167
Audit - ABC Board	169
Algary - re North Carolina League of Municipalities, Council meetings cancellation	169
Alcoholic Control Board - appointment of Walter I. Abernethy as member	171
Abernethy, Walter I. - appointed member of City of Asheville Board of Alcoholic Control	171
Ambulance service - certificate of public convenience given Berryman-Hall Funeral Home	176
Airport - report of City Manager on completion of strengthening runway, taxiway and apron	176
Asheville Board of Realtors - resolution supporting extension of zoning one mile beyond city limits	177
Airport Terminal Building - space requested by Upper French Broad Economic Development Commission	178
Airport - property near requested by State Highway Patrol for new patrol station for Troop F	178
American Insurance Association - survey - discussion	178
Asheville Livestock Yard - proposal to lease property on Riverside Drive	179
Audit - period ending 11-30-65	179
Asheville Livestock Yard, proposal to purchase property on Riverside Drive	179
Annexation - may be done by ordinance - Report of City Manager	179
American Insurance Association - report of survey	180
Asheville Livestock Yard - offer to purchase property on Riverside Drive withdrawn	184
Asheville Board of Alcoholic Control - appointment of member (Robert N. Grice)	185
Abernethy, Walter I. - resolution regretting death to be prepared	185
Annexation - part of Happy Valley - Mr. Clyde Munn	185
Abernethy, Walter I. - resolution commemorating	186
Annexation - resolution setting date of public hearing to consider - Clyde Munn property off Bell Road in Haw Creek	187
Asheville Board of Alcoholic Control - resolution setting salary of Supervisor	187
Asheville Board of Alcoholic Control - audit	189
Asheville Airport - Terminal Building - lease of space to United States of America - Federal Aviation Agency	191
Alfriend, Edward W. IV - lease to city for western ground floor of Legal Bldg. for library purposes	194
Asheville Garden Club - beautification, clean-up - request for appointment of Citizens Action Committee	194
Asheville Livestock Yard - location - discussion	195
Annexation requested - property of L. S. & M. Building Company	195
Alley - off Burton Street - request to close (Chakales Real Estate, Inc.)	200
Advisory Board - Smoke Abatement and Air Pollution - appointment of members (Lawrence J. Traber, L. D. Hyde, Mrs. Paul Roberts)	202
Alley - off Burton Street - report of City Manager	202
Asheville-Buncombe County Metropolitan Planning Board - agreement with Corps of Engineers, Bureau of Yards and Docks, Community Shelter Program - Civil Defense	204
Asheville Airport Motel, Inc. - lease of property near Airport	205
Airport - lease of property near - Asheville Airport Motel, Inc.	205
Asheville Special School District - supplemental school tax - Board of County Commissioners urged not to reduce	207
Audit - City of Asheville Board of Alcoholic Control	207
Appeal Board - Smoke Abatement - appointment of members (Dr. Elwood L. Demmon and Mr. Peter L. Roda)	208
Audit - period ending March 31, 1966	215
Audit - City of Asheville Board of Alcoholic Control	229
Asheland Avenue school property - YMCA request release of lease - granted	233
Ambulance Service of Asheville - notice of discontinuance of service	234
Ambulance service - report of City Manager	235
Ambulance service - report of City Manager	237
Audit - Tax Collector for Board of Tax Supervision	238
Asheville Airport - LAYOUT PLAN	238
Asheville Plumbing & Heating - awarded contract, plumbing - Oakley Fire Station - Community Center	242
Ambulance service - report of City Manager	242
Audit - City of Asheville - period ending June 30, 1966	244
Audit - Sinking Fund Commission - period ending June 30, 1966	246
Ashe, James E. - contract with	251
ABC Board - audit	256
Atkins-Harper Lumber Co. - appeal from ruling of Board of Adjustment	255
Atkins-Harper Lumber Co. - hearing postponed	257
Asheville Board of Alcoholic Control - appointment of member (H. G. Strom)	257
Atkins-Harper Lumber Co. - hearing set on appeal from ruling of Board of Adjustment	258
Abandoned autos - discussion	258
Asheville Contracting Company - offer to purchase property, North Hanover	259
Airport - Raleigh return flight - discussion	261
Aston Park Hospital - renewed offer to purchase Rhododendron Park - discussion	263
Asheville Airport - leases authorized with American Cab Co., Inc.; Charlotte Car & Truck Rental Co., Inc., doing business as Avis Rentacar, and Brown Auto Sales, Inc., trading as National Car Rentals; and Alice S. Duckett	265
American Cab Company - lease re limousine service at Asheville Airport	265
Azalea Street - paving authorized	265
Asheville Airport - report of City Manager on contract negotiations with carriers	270
Aston Park Hospital - offer to purchase Rhododendron Park property - sale authorized	270
Asheville Airport - lease with Hertz Corporation	271
Asheville-Biltmore College - invitation to Homecoming	273
Asheville Airport - Amendment to Leases - Piedmont Aviation, Inc., Delta Air Lines, Inc., and United Air Lines	278
Asheville Cablevision, Inc. - Application for franchise - cable TV - request for election	278
Aston Park Hospital - resolution authorizing City Manager to advertise Rhododendron Park for sale	282
Asheville Cablevision Corporation - granted franchise subject to referendum	286, 287, 288, 289
Asheville School Board - recommendation of Asheville Human Relations Council	289
Asheville Human Relations Council - recommendation re Asheville School Board	289
Asheville Parking Authority - discussion - Central Asheville Association	292
Animal shelter - request of SPCA	292
Asheville School Board - resignation of Traynham Houston	292
Asheville Cablevision corporation - franchise - results of election	295
Asheville School Board - reappointment of Mrs. William T. Pennell	295
Asheville School Board - appointment of Dr. John P. Holt	295
Anderson, Mrs. W. H. and The Bank of Asheville, as Co-Trustees under the Will of W. H. Anderson, Elizabeth A. Bourne and husband, Martha A. Taylor and husband, Mrs. Topping A. Bryan and husband - lease - off-street parking	298
Asheville Airport - pay parking	299
Aston Park Hospital, Inc. - deed authorized to be made to - Rhododendron Park property	300
Asheville-Buncombe County Youth Council	302
Air Pollution Control Division - consolidation with Regional Air Pollution Control Project	306
Advisory Board for Asheville-Buncombe County Youth Council - appointment of members (Mrs. Sylvia Airheart, Jack Belt, L. D. Burton, Rev. Robert Busey, William H. Haggard, William M. McMurray, William C. Morris, Jr., Rev. Joseph Showfety, Luther Thigpen, Mrs. Jack Tessier, H. H. Zeugner)	306
Asheville-Buncombe County Youth Council - Advisory Board - appointment of members	306
Airheart, Mrs. Sylvia - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	306
Asheville Airport - amendment to lease with A & H Flying Service, Inc.	312
A & H Flying Service, Inc. - amendment to lease - Asheville Airport	312
Asheville Board of Alcoholic Control - audit	312
Asheville Airport - agreement with State Highway Commission - project 8.1900202 (rest area near Airport)	315
Asheville Airport - parking lot - open	321
Asheville Airport - departmental budget request	323
Annual report - Civil Service Board	323
Asheville Teen Council - request for $800,000 Center	340
Ad Hoc Citizens Committee - report & recommendations re Community Facilities Projects - East Riverside Urban Renewal Project - City Manager authorized to proceed to take administrative action to bring to referendum	352
Atkins, Harry - reappointed member of Planning and Zoning Commission	356

FRONT
A B C D E F G H I J K L Mc M N O P Q R S T U V W X Y Z

PAGE

Asheville Paving Company - contract for surfacing and resurfacing city streets 364

Asheville-Buncombe County Youth Council - appointment of member (Miss Joan Hanlon) 370

Asheville Board of Alcoholic Control - appointment of member (Fred P. Pearlman) 372

Asheville Airport - proposal for fixed-base operation agreement - Kimble and Hill Aviation Corporation 374

Asheville Airport - discussion re proposed lease - Kimble and Hill Aviation Corporation 375

Ashe, James E., Certified Public Accountant - Agreement with 377

Air pollution - smoke abatement - discussion 377

Auditorium (Convention Center) - Bonds - Notice of Intention to Apply to Local Government Commission 373

Auditorium (Convention Center) - City Clerk to publish notice of Intention to apply to Local Government Commission 373

Auditorium (Convention Center) - bonds - Mayor authorized to file application 374

Auditorium (Convention Center) - bonds -report of City Manager 378

Auditorium (Convention Center)- City Manager to file statement of Debt and Assessed valuation 379

Auditorium (Convention Center) - Statement of Debt and Assessed Valuation 379, 380, 381

Auditorium (Convention Center) - Resolution calling special bond election 381, 382, 383 384

Annexation - City Manager to make study 384

Asheville Airport - lease with Kimble & Hill Aviation Corporation 384

Annexation - petition of residents in Lakeview Park area 386

Asheville Manufacturing Company - request for bus service 388

Auditorium (Convention Center) - resolution canvassing returns of bond election 391, 392, 393

Auditorium (Convention Center) - resolution providing for recording, filing and publication of statement of result of bond election 393, 394

Asheville Airport - amendment to lease with Kimble & Hill Aviation Corporation 394

Atkins, H. T. - resignation as member of Planning and Zoning Commission 397

Annexation request - James H. Bailey - New Haw Creek Road 398

Asheville Transit Authority - progress report 398

Alley behind Woodcrest and Grovewood Road - paving authorized 399

Alley - unnamed - running south off Chatham Road - paving authorized 399

Asheville-Buncombe County Youth Council - appointment of member (George Gragg) 399

Asheville-Biltmore College - invitation to attend Home-Coming 400

Alley - unopened - off Merrimon - request of Twentieth Century Heating Company to close 401

Auditorium - Convention Center - Sports Arena - site discussion and proposal 403

Abbott, John W - appointed alternate member of Board of Adjustment 404

PAGE

Alley, off Merrimon - resolution setting date of public hearing on petition to close 404

ABC Board - audit 405

Auditorium-Convention Hall - downtown location endorsed by Central Asheville Association 408

Asheville Airport - long-range plans presented by various Airlines 408

Airlines - present plans for long-range plans for Airport 408

Aston Park, Memorial Mission, St. Joseph's, - resolution commending joint fund raising effort 409

Auditorium - Convention Center - site offered - Leicester Highway 410

Asheville- Airport - offer to purchase property adjacent entrance - D. O. Blevins 410

Asheville Cab companies - request for increase in rates - petition 410

Asheville Housing Authority - Carl Vaughn retires 411

Asheville Transit Authority - financial statement of for January 412

Auditorium-Convention Center - Aston Park proposed as site 412

Aston Park - proposed as site for Auditorium Convention Center 412

Alley - off Merrimon - petition to close 413

Ashland Avenue - offer of purchase Gust S. Pappas 413

Asheville Airport - option to lease property - Booth-Barfield 413

Auditorium - Convention Center - endorsement by Miracle Mile Association 414

Auditorium - Convention Center - request of Central Labor Association 415

Auditorium - Convention Center - letter from Mrs. Westall opposing use of Aston Park 415

Aston Park - use opposed for Auditorium, convention center by Mrs. Westall 415

Ashland Avenue - sale of property advertisement authorized 416

Aston Park - advisability of use for auditorium-convention center - opinion of Park and Recreation Advisory Board 417

Auditorium-convention center - opinion of Park and Recreation Board on use of Aston Park 417

Asheville Chamber of Commerce - employment of industry specialist proposed by Councilman Algary 417

Auditorium-convention center - Aston Park site endorsed by Asheville Building & Construction Trade Council 417

Asheville Building & Construction Trade Council - endorses use of Aston Park site for auditorium-convention center 417

Auditorium-convention center - protest of group living in East Riverside Urban Renewal area for use of Aston Park 419

Auditorium-Convention Center - endorsement by West Asheville Business Assn. 419

Auditorium-Convention Center - endofsement of Aston Park for site by Home Builders Assn of WNC, Inc. 421

PAGE

Asheville Airport - offer of Hertz Rent a Car to lease land for building 422

Auditorium - Convention Center - presentation of downtown site by Greater Asheville Council 423

Asheville-Biltmore College - sewerage problem - engineering report 423

Asheville Airport - new appraisal of property to be made 424

ABC Recreation Center - request to erect sign on building at 45 Merrimon Ave. 426

Auditorium-Convention Center - public hearing set to consider site 439

Auditorium- Convention Center - Tunnel Road Association proposal 441

Asheville Transit Authority - application for grant under Urban Mass Transportation Act of 1964, as amended 443

Audit - City of Asheville Board of Alcoholic Control 444

Auditorium - Convention Center - discussion 444

Auditorium - Convention Center - suggestion of Asheville Merchants Association 444

Asheville Merchants Association - suggestion re Auditorium - Convention Center 444

Asheville Board of Realtors - recommendation re employment of professional help in selecting site for auditorium 446

Auditorium - Asheville Board of Realtors - recommendation re employment of professional help in selecting site 446

Auditorium - Central Asheville Association - recommendation re employment of professional help in selecting site 446

Auditorium - convention center - public hearing - action postponed on selecting site 446

Auditorium - convention center - discussion 447

Asheville Transit Authority - resolution amending resolution re application for grant under Mass Transportation Act 446

Asheville Transit Authority - resignation of Carl A. Bufflap, Jr. as member 448

Asheville Transit Authority - appointment of member - Richard M. Taylor 448

Asheville Airport - discussion 449

Asheville Transit Authority - application to be made to Appalachian Regional Commission 459

Appalachian Regional Commission - Asheville Transit Authority to make application for funds 459

Auditorium - Convention Facility - downtown location at or near Rankin Avenue site - City Manager authorized to develop facts 460

Auditorium - convention facility - proposal of George Coggins 460

Adams, William, Jr. - appointed member of Board of Adjustment 461

Acee, John - appointed member of Board of Adjustment 461

Auditorium-Convention Center - report of City Manager 463

Auditorium-Convention Center - resolution regarding acquiring property, architectural contract and off-street parking 463

PAGE

Auditorium - Convention Center - schedule for financing - City Manager to proceed 467

Algary, W. F. - appointment to Committee to City Manager - "City Center" 469

Advisory Committee to City Manager, "City Center" (W. F. Algary, J. O. Buchanan, Paul Goodman, Ralph James, B. B. Lewis, Loren Packer, Bob Terrell) 469

Audit - ABC Stores 472

Asheville Airport - Rules and Regulations 472

Asheville Central Labor Union - protest at location of City Center 473

Asheville Airport - rules and regulations - discussion 473

Auditorium - use of space requested by Asheville Unit American Contract Bridge League 474

American Contract Bridge League - request for space in Auditorium 474

Ashe- James E. - agreement with city 475

Audit - period ending June 30, 1968 476

FRONT

A B C D E F G H I J K L Mc M N O P Q R S T U V W X Y

	PAGE
Bonds, Urban Renewal - report of sale	8
Budget Estimate, 1964-65 - presented by City Manager	10
Bryson Bus Lines - permit granted to operate Loop Buses	11
Bus service - Permit granted Bryson Bus Lines to operate Loop Buses	11
Beverly Hills-Haw Creek Community Center - resolution authorizing advertisement for bids for construction	16
Bids authorized for construction of Haw Creek-Beverly Hills Community Center	16
Board of Alcoholic Control - audit for period ending June 30, 1964	16
Bee Tree Lake fishing area - report of City Manager	16
Buchanan, J. O. - resignation as member of City of Asheville Board of Alcoholic Control	32
Board of Alcoholic Control - resignation of J. O. Buchanan	32
Board of Alcoholic Control - appointment of member (H. G. Strom)	32
Bus service - White Transportation Company - plans for future improvement	34
Bids - Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center	34
Bus service to schools augmented - White Transportation Company	35
Beaver Point Circle - paving authorized	45
Brooklyn Road (between West Chapel Road and Shiloh Road) - paving authorized	45
Budget statement - period ending August 31, 1964	45
Bee Tree Lake - report of City Manager	48
Biltmore Company, The - lease	48
Buncombe County Planning Council - Board of Directors - appointment of members, Mrs. Almeda Pickard	48
Booth, R. P., An Amendment to Map of Property of - plat approved under Subdivision Ordinance 424	50
Bynum, Curtis - resolution eulogizing and commending	52
Budget statement - period ending September 30, 1964	54
Billiard hall ordinance - request for amendment	55
Board of Alcoholic Control - audit - September 30, 1964	56
Board of Alcoholic Control - appointment of member, Lawrence C. Merchant	60
Budget - period ending October 31, 1964	62
Board of Trustees of Asheville Librararies - request for $1,600,000 for new facilities	64
Budget statement - period ending November 30, 1964	68
Buses - White Transportation Company - schedules; future plans; finances; discussion	68
Board of Trustees of Firemen's Relief and Pension Fund - appointment of member (Perry C. Tomlin)	70
Board of Elections, Municipal - appointment of members (G. Edison Hill, Eugene Coston and Irwin Monk)	71

	PAGE
Buncombe County Planning Council - Board of Directors - resignation of Mrs. Almeda Pickard	77
Buncombe County Planning Council - Board of Directors - appointment of Walter A. Deal	78
Budget - period ending December 31, 1964	79
Bonds - outstanding - report of Sinking Fund Commission - period ending December 31, 1964	79
Barbour - Robert D. - appointed member of Housing Authority	79
Bridge - Sayles Village-Oakley - Dan River Mills	80
Beaucatcher Tunnel - painting of curbs and center-lines	80
Board of Alcoholic Control - audit - December 31, 1964	81
Bridge - Sayles Village-Oakley - Dan Manufacturing Company - City Manager authorized to proceed	81
Bonds and coupons, cancelled - Sinking Fund Commission authorized to enter into contract for destruction of	83
Bridge - Sayles Village-Oakley - report of City Manager	83
Budget - period ending January 31, 1965	84
Billboards - highways - resolution regulating authorized	84
Billboards - Interstate highways, resolution	87
Billiard room - request for establishment on Merrimon Avenue	84
Building Code - request to be updated by Citizens Advisory Committee of Redevelopment Commission	93
Budget - period ending February 28, 1965	95
Ball, Ralph Wilkie - filed claim for damages	95
Brooklet Street - request to be lowered	96
Beautification and clean-up drive - discussion	96
Bridge - Sayles Village-Oakley - engineering plans	99
Budget - period ending March 31, 1965	101
Bridges across French Broad River - plans announced	104
Broad River Processing Company - electrical wiring - ordinance requirement waived	104
Bids - City Manager authorized to advertise for (Oakley Fire Station and Murphy Teenage Center	104
Bee Tree Fishing Lake - report of City Manager	104
Bus Service - White Transportation Company asked to explain lack of	105
Bus Service - White Transportation Company - discussion	106
Barbershop and Shoeshine service at Asheville Airport - discussion of	106
Board of Alcoholic Control - Audit - period ending March 31, 1965	107
Banking depositories named - Wachovia Bank & Trust Company, First Union National Bank, First-Citizens Bank & Trust Company, The Northwestern Bank, Bank of Asheville	113

	PAGE
Bank of Asheville - named depository for city funds	113
Bonds - city officials and employees	113
Balsam Avenue - proposed closing of portion - discussion	114
Beaver Point Circle (to dead end) - paving authorized	121
Board of Adjustment - Planning and Zoning - appointment of members (Herschel Harkins, William Adams, Jr., John Acee, W. T. Duckworth, Jr. and Gary E. Hughes)	126
Balsam Avenue - resolution setting date of public hearing on proposed closing of portion	126
Budget - period ending May 31, 1965	131
Boiling Springs Baptist Church - interest of Henderson County Board of Education in to be purchased	132
Biltmore Forest, Town of - Memorandum of Understanding with City of Asheville, Buncombe County and North Carolina State Highway Commission	132
Buncombe County - Memorandum of Understanding with City of Asheville, Town of Biltmore Forest and North Carolina State Highway Commission	132
Boxing and Wrestling Commission - appointment of members (Allmond H. Jones, Jr., Arthur York, J. Y. Jordan, Jr.)	134
Board of Electrical Examiners and Board of Examiners of Motion Picture Operators - appointment of members (Frank Hyatt, Jr., B. Laxter Haynes, Eugene B. Blackwell, G. L. Beck and C. H. Gudger (ex officio); and H. H. Bowen and S. E. Holland)	134
Blackwell, Eugene B. - reappointed member of Board of Electrical Examiners	134
Beck, G. L. - reappointed ex officio member of Board of Electrical Examiners and Board of Examiners of Motion Picture Operators)	134
Bowen, H. H. - reappointed member of Board of Examiners of Motion Picture Operators	134
Budget Estimate - presented by City Manager	135
Board of Electrical Examiners - Board of Motion Picture Operators - appointment of member - Lawrence A. Ray	138
Blackwell, Eugene B. - resignation as member of Board of Electrical Examiners - Board of Motion Picture Operators	138
Baker, Henry L. - appointed member of Metropolitan Sewerage District Board	140
Budget - statement of City Manager - discussion	140
Bridge - Cedar Street over Southern Railway at eastern entrance to Sayles Village - City Manager authorized to advertise for bids for construction of	146
Budget - protest of Miss McCoy	146
Beaucatcher Tunnel - resolution urging construction of second tunnel	148
Bids authorized - for strengthening runways, taxiways and apron at Asheville Airport	152
Bids received - Cedar Street Bridge at Sayles Village	152
Blue Ridge Structure Company - awarded contract for construction of Cedar Street Bridge	153
Bids - authorized - Young Mountain Reservoir	153
Budget statement - period ending August 31, 1965	153
Buncombe County Planning Council - to make study of offer of Aston Park Hospital to purchase Rhododendron Park	153
Board of Elections, City - certification of sufficiency of petitions - Proposed Dog Control Ordinance	154
Board of Elections, City - certification of sufficiency of petitions - Repeal of Ordinance #526 - Sunday closing	155
Board of Elections - County - requested to hold election on Proposed Dog Ordinance and repeal of Sunday Closing Ordinance - November 2, 1965	155
Balsam Avenue - resolution authorizing abandonment and closing of portion	138
Board of Tax Supervision - Audit	155
Bee Tree Fishing Lake - Report	155
Bids for strengthening runway, taxiways and apron at Asheville Airport	156
Buncombe County Planning Council - appointment of member - John W. Tuton	156
Bids to be received - CATV - Young Mountain Reservoir	159
Bids - CATV - Report of City Manager	159
Bids - Young Mountain Reservoir - Report of City Manager	160
Bridge - Cedar Street - agreement with Southern Railway - encroachment	160
Budget - statement - period ending September 30, 1965	164
Bee Tree Watershed - request for encroachment by National Park Service	167
Bowman, Harvey R. - appointed to Board of Directors - Vanderbilt Apartments, Inc.	167
Board of Alcoholic Control - Audit	169
Budget - period ending October 31, 1965	169
Board of County Commissioners of Buncombe County - resolution requesting City Council to extend zoning 1 mile beyond city limits	170
Board of Alcoholic Control - appointment of member - Walter I. Abernethy	171
Berryman-Hall Funeral Home - awarded certificate of public convenience to operate ambulance service	176
Budget - period ending November 30, 1965	177
Budget - period ending December 31, 1965	183
Board of County Commissioners - requested to appoint members to Planning and Zoning Commission under GS 160-181.2	185
Board of Alcoholic Control - appointment of member (Robert N. Grice)	185
Board of Alcoholic Control - resolution setting salary of Supervisor	187
Board of Trustees of Firemen's Relief Fund - appointment of member (John W. Spicer)	188
Board of Alcoholic Control - audit	189
Board of County Commissioners, Buncombe County - resolution appointing members to Planning and Zoning Commission (Joe A. Pless, W. Herbert DeWeese, E. B. Roberts, Coleman Jones, and William C. Sayre)	189
Budget - period ending 1-31-66	191
Bond funds - road - recommendations of Highway Commission re expenditure of	192
Bus service requested--Hi Alta, Appalachian Way, Deaverview Road, Huffman Road, Lakeside Drive	192
Board of Adjustment, Planning and Zoning - resignation of Herschel Harkins	194
Board of Adjustment, Planning and Zoning - appointment of member - Herbert A. Wallace	194
Beautification - clean-up - request of Asheville Garden Club for appointment of Citizens Action Committee	194
Beautification and Clean-Up - resolution appointing Citizens Action Committee	197
Breidbach, Paul - lease of property frontage on Carolina Power & Light Company lake	197
Budget - period ending February 28, 1966	198
Bell Road - accepted for maintenance	201
Beautification and Clean-Up - announcement of first meeting of Citizens Action Committee	201
Billboards and highway beautification - discussion	201
Beaverdam Water and Sewer District - deed to for sewer line	207
Board of County Commissioners - urged not to reduce special school supplemental tax	207
Board of Alcoholic Control - Audit	207
Budget - meeting of Department Heads	208
Bridge - Sayles Village - report of progress	209
Bridge - across Swannanoa - report	209
Budget - period ending April 30, 1966	209
Building & Housing Codes - protest of Miss McCoy	212
Building & Housing Codes - protest of Miss McCoy	216
Budget - period ending May 31, 1966	215
Banks - request for permission for trailer on Pearson Drive - denied	215
Budget Estimate	220
Budget - study	226
Business district - resolution inquiring as to procedures and requesting determination of blighting conditions	227
Board of Alcoholic Control - audit	229
Beautification Committee - progress report and recommendations	229
Bids - City Manager authorized to advertise for - Oakley Fire Station-Community Center	234
Biltmore Forest, Town of - water rate established for	234
Beacon Manufacturing Company - water rate established for	234
Biltmore Dairies - water rate established for	234
Ball Brothers Company, Incorporated - water rate established for	234
Bus service - discussion	236
Bus service - discussion - opinion of legality of transfer from Carolina Power & Light to White Transportation requested	237
Bus service - report of Herschel Harkins, attorney for White Transportation	237
Bids - Oakley Fire Station-Community Center	241
Budget - period ending August 31, 1966	242
Bus service - discussion - opinion - City Charter - franchise	242
Bonds - proposed - Community Facilities - report of City Manager	244
Beautification and Clean-Up Committee - request for office space and staff	248
Buncombe County Planning Council Board of Directors - appointment of members (Francis J. Heazel and Douglas Bolton)	249
Bolton, Douglas - appointed member of Board of Directors of Buncombe County Planning Council	249
Budget - period ending September 30, 1966	250
Bus service - discussion	250
Bus service - report of City Manager	251
Bridge - French Broad River - contract with State Highway Commission	251
Board of Alcoholic Control - audit	255
Board of Adjustment - appeal from by Atkins-Harper Lumber Co.	255
Board of Adjustment - Atkins-Harper Lumber Co. hearing postponed	257
Beautification and Clean-Up, Citizens Action Committee - appointment of members (Ridgley K. Robinson, Jr., Robert Jackson, Reginald C. Smith, and S. Richard Perkins)	257
Board of Alcoholic Control - appointment of member (H. G. Strom)	257
Budget - period ending October 31, 1966	257
Board of Adjustment - Atkins-Harper Lumber Company - hearing set	258
Budget - period ending November 30, 1966	261
Buncombe County Planning Council - Report on Hospitals prepared by Department of Hospital Administration, School of Medicine, University of North Carolina	262
Blackard, Dr. Embree H. - remarks concerning City Manager Weldon Weir	264
Brown Auto Sales, Inc., trading as National Car Rentals - lease relating to rental car service at Asheville Airport	265
Broadview Drive, Blalock Street - paving authorized	265
Board of Trustees - Firemen's Relief Fund - appointment of member (Perry C. Tomlin)	265
Bridge - railroad - Sayles Village - discussion	265
Bettie Street - request to close	265
Baker, Henry L. - appointed member of Metropolitan Sewerage District Board	268
Bonds - East Riverside Urban Renewal Project - schedule re election	270
Budget - period ending December 31, 1966	270
Bonds - East Riverside Urban Renewal Project - Mayor authorized to file Application with Local Government Commission	272
Bonds - East Riverside Urban Renewal Project - Statement of City Manager	273
Bonds - East Riverside Urban Renewal Project - City Manager designated to prepare Statement of Debt and Assessed Valuation	274
Bonds - East Riverside Urban Renewal Project - Statement of Debt and Assessed Valuation	274, 275, 276
Bonds - East Riverside Renewal Project - resolution calling special election	276
Bid - cable television - The Thoms Broadcasting Companies, Inc.	281
Budget - period ending January 31, 1967	282
Bows and arrows - ordinance controlling - requested by SPCA	283
Bank of Asheville, Trustee of W. H. Anderson Estate - lease to be prepared - off-street parking	291

PAGE

Bonds - East Riverside Urban Renewal Project - resolution canvassing election returns 292

Bonds - East Riverside Urban Renewal Project - resolution authorizing publication of Statement of Result of Election 293

Building Code - sub-standard housing - report of City Manager 298

Bank of Asheville, Mrs. W. H. Anderson, Co-Trustees under Will of W. H. Anderson; Elizabeth A Bourne and husband; Martha A. Taylor and husband; Mrs. Topping A. Bryan and husband - lease - off-street parking 298

Bourne, Elizabeth A. and husband; Mrs. W. H. Anderson and Bank of Asheville, as Co-Trustees under the Will of W. H. Anderson; Martha A. Taylor and husband; Mrs. Topping A. Bryan and husband - lease - off-street parking 298

Bryan, Mrs. Topping and husband; Mrs. W. H. Anderson and The Bank of Asheville, as Co-Trustees under the Will of W. H. Anderson; Elizabeth A. Bourne and husband; Martha A. Taylor and husband - lease - off-street parking 298

Budget - period ending February 28, 1967 298

Brown, Sanford, Alice Hill McClarrin, et als - report of City Manager on complaint 305

Belt, Jack - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Burton, L. D. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Busey, Rev. Robert - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Board of Alcoholic Control - audit 312

Budget - period ending April 30, 1967 312

Budget meeting - department heads 312

Board of Examiners of Policemen's and Firemen's Pension and Disability Fund - appointment of member (Dr. E. Sease Koon, Jr.) 317

Billiard, Pool Hall - requested for Northland Shopping Center 318

Broadway and Lexington - protest at being made one-way 318

Budget - departmental requests - General Government 321

Board of Elections - petitions - CATV - Thoms Broadcasting Companies, Inc. 321

Budget - departmental requests - Asheville Airport, Public Safety, Land Management, Public Works and Parks & Recreation 323

Budget - period ending May 31, 1967 323

Broadway and Lexington - protest at being made one-way 323

Beer and wine - Sunday sale requested 323

Budget - departmental request - Water Department 326

Budget - discussion 326

Boxing and Wrestling Commission - appointment of members (Allmond H. Jones, Jr., Arthur York, J. Y. Jordan, Jr.) 330

Budget Estimate - presented by City Manager 330

Budget - public hearing to be held by Council 330

Budget - City Clerk to publish Notice of Presentation of Budget Estimate 330

Board of Elections - fluoridation petitions referred to 333

Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators (Frank Hyatt, Jr., B. Laxter Haynes, Lawrence A. Ray, G. L. Beck, Ray Pruitt, H. H. Bowen, L. B. Simmons) 333

PAGE

Beck, G. L. - ex-officio member of Board of Electrical Examiners and Board of Examiners of Motion Picture Operators) 333

Bowen, H. H. - appointed member of Board of Examiners of Motion Picture Operators 333

Budget - public hearing on 334

Board of Elections - report on petitions to remove fluoride, caustic soda and calgon from public water supply 335

Budget - date set for study 338

Bus transit study - City Manager authorized to negotiate with Don S. James and Associates 339

Bus transit study to be made by Don S. James and Associates 339

Board of Elections - additional petitions re fluoridation - referred to 339

Buncombe County Planning Council - requested to establish office of Human Relations Coordinator 340

Buncombe County Planning Council - assumes responsibility of establishing office of Human Relations Coordinator 340

Board of Elections - certification of additional petitions re fluoridation, etc. 341

Board of Elections - certification of CATV Election 341, 342, 3

Bonds - City Manager authorized to take administrative action to bring to referendum Community Facilities Projects, East Riverside Urban Renewal Project 352

Bus Transit Study - report of Don S. James & Associates 352

Bus service - White Transporation - Carolina Power & Light Company franchise - discussion 354

Bus service - request - Mrs. Jack Smith 357

Bonds - Community Facilities - financing - out-of-city residents - suggestion of Councilman Algary 365

Bus - White Transportation - Statement of City Manager - creation of Transportation Authority 368

Bufflap, Carl A., Jr. - suggested to help with Transit Authority 368

Buncombe County Planning Council - appointment of member (Douglas Bolton) 369

Bolton, Douglas - appointed member of Buncombe County Planning Council 369

Board of Elections - result of Fluoridation Election 370

Bonds - Community Facilities (Convention Center, Civic Arts Center), East Riverside Urban Renewal Project - election tentatively set for December 5th 371

Budget - period ending August 31, 1967 371

Bus service - discussion 371

Buses - Transportation Authority authorized; City License Tags authorized - report of City Manager 372

Board of Alcoholic Control - appointment of member (Fred P. Pearlman) 372

Beaucatcher Tunnel - new - action urged 373

Bus - Greyhound - requests city to support application to Interstate Commerce Commission 375

PAGE

us Service - Interstate Commerce Commission - Position of City 377

udget - Period ending September 30, 1967 377

onds - Community Facilities, East Riverside Urban Renewal Project - report of City Manager 378

onds - Community Facilities, East Riverside Urban Renewal Project - City Manager designated to prepare and file sworn statement of debt and assessed valuation 379

onds - Statement of debt and assessed valuation 379, 380, 381

onds - Community Facilities - East Riverside Urban Renewal Project - Resolution calling election 381, 382, 383, 384

eaver Lake Golf Course - discussion 384

eaver Lake Golf Course - report of City Manager - Annexation petition 386

aseball - endorsement of Cincinnati Reds by Community Baseball, Inc. 388

aseball - lease for McCormick Field by Cincinnati Reds 389

us service - request of Asheville Manufacturing Company 388

udget - period ending October 31, 1967 390

ond Election - protest of Miss McCoy 391

ond Election - time of Council meeting 391

ond Election - Community Facilities - East Riverside Urban Renewal Project - resolution canvassing results of election 391, 392, 393

ond election - Community Facilities - East Riverside Urban Renewal Project - resolution providing for recording, filing and publication of statement of result of election 393, 394

udget - period ending November 30, 1967 397

ailey, James H. - request for annexation of property, New Haw Creek Road 398

us service - progress report of Asheville Transit Authority 398

illiard Hall ordinance - request of Moneyworth for amendment to include 62 Brook St. 398

ll Road - paving authorized 399

thany Lane - paving authorized 399

oard of Trustees of Firemen's Relief Fund - appointment of member (John W. Spicer) 399

oxing and Wrestling Commission - appointment of member (Robert Terrell) 403

oard of Adjustment - appointment of Alternate members (John W Abbott, Jack Baber, Graham rice, Lawrence J. Traber) alternate 404

ber, Jack - appointed/member of Board of djustment 404

ureau of Outdoor Recreation, Department of Interior - resolution authorizing application for funds to improve recreation facilities at Lake Julian 405

oard of Alcoholic Control - Audit 405

uses - financial statement of Asheville Transit Authority for January 412

udget statement - period ending February, 1968 414

arfield, Jack - proposal for other sources of revenue 414

PAGE

Billiard Parlor, pool hall - request for ordinance to be amended to include 63 Valley Street 418

Building Inspection Fees and erection of sign fees - upgrading requested 418

Budget statement - period ending March 31, 1968 426

Branch library - request to install in Oakley area 426

Black Street - request to close portion 440

Black Street - resolution setting date of public hearing on petition to close portion 443

Board of Alcoholic Control - Audit 444

Budget - period ending April 30, 1968 445

Battle Road - petition for paving 445

Buncombe County Planning Council - request to implement Neighborhood Parks recommendations of Winans report 447

Buncombe County Board of Commissioners - request that city reassess its position in regard to health facility in Civic Redevelopment Project N. C. R-13 447

Bowman, Harvey - appointed member of Board of Directors of Vanderbilt Apartments 457

Battery Park & Page Avenue - resolution setting date of public hearing on petition to close triangular strip 457

Black Street - portion closed 457

Budget - period ending May 31, 1968 460

Board of Adjustment - appointment of members (W. T. Duckworth, Jr., William Adams, Jr., John Acee, Gary E. Hughes, Herbert A. Wallace) 461

Budget Estimate 461

Battery Park & Page Avenue - resolution closing triangular strip 464

Buchanan, J. O. - appointed to Advisory Committee to City Manager, "City Center" 469

Bureau of Outdoor Recreation, Department of Interior - application for funds for Bee Tree Lake 472

Bee Tree Lake - application for funds 472

Board of Alcoholic Control - audit 472

Building and Construction Trades Council - protest at location of City Center 473

Blind intersections - discussion 473

Ben Lippen School - request property be annexed 473

Buttrick Street - request to close 474

	PAGE
City Manager - report of sale of Urban Renewal Bonds	8
Citizens' Advisory Committee - recommendation re new Urban Renewal Project south of Hilliard Avenue, and need for additional low-rent housing	9
Charter requirement that ordinance be read on three separate days dispensed with (Interim Appropriation Ordinance)	10
City Manager - presents Budget Estimate, 1964-65	10
Corporate limits extension - request of State Highway Commission - public hearing	11
Central Asheville Association - request for Bryson Bus Lines to operate Loop Buses - Permit Granted	11
Corporate limits extension - resolution setting date of public hearing (Beaverdam Ward, Governor's mansion property)	16
City of Asheville Board of Alcoholic Control - audit for period ending June 30, 1964	16
City Manager - report on fishing at Bee Tree Lake	16
Community Antenna Cable television - proposal of National Trans-Video, Inc.	2
Community Antenna Cable television - proposal of Reeves Broadcasting Corporation	11
Community Antenna Cable television - proposal of National Trans-Video, Inc.	11
Community Antenna Cable television - further request of W I S E-TV	12
Community Antenna Cable television - proposal of Skyway Broadcasting Company (WLOS-TV)	17
Community Antenna Cable television - requirements of city for issuance of permit	17
City property - offer to purchase #4 Pearl Street (Leroy Martin)	17
Community antenna cable television - proposal of WISE-TV	29
Community antenna cable television - proposal of Sam L. Irvin - CASE	29
Community antenna cable television - to be operated by city	30
Community antenna cable television - discussion - franchise retained by city	32
City Manager - report on offer of Leroy Martin to purchase 36 Pearl Street	31
City of Asheville Board of Alcoholic Control - resignation of J. O. Buchanan	32
City of Asheville Board of Alcoholic Control - appointment of member (H. G. Strom)	32
Community antenna cable television - statement of Councilman Algary	33
Contracts awarded - construction of Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center (Z. B. Robinson Construction Company, Moser Plumbing Company, R & W, Inc., Hayes & Lunsford Electric Company)	35
City property - Riverside Drive - offer to purchase (Frank Ford)	36
Corporate limits - petition for annexation - (property between Johnson Boulevard and Beaverview Drive)	36
Charter requirement Ordinance be read on three separate days - dispensed with - Ordinance 505	42
Carolina Power & Light Company - lease of lake for recreation	47
Corporate limits - extension requested (Chunn's Cove - Roger Grant, Jr. and B. H. Taylor)	[illegible]
Corporate limits extension - resolution setting date of public hearing (property between Johnson Boulevard and Beaverview Drive)	[illegible]
City property - Riverside Drive - resolution authorizing sale (Frank Ford)	[illegible]
City Manager - report on [illegible] decision re fluoridation, [illegible]	[illegible]
City Manager - report on water [illegible] plant, [illegible]	[illegible]
City of Asheville Board of Alcoholic Control - September 30, 1964	56
Cavalier Motor Court - sign - Expressway - sign approved	56
Carolina Power & Light Company - easement authorized to (relocation of line on Rhododendron Park property)	59
Corporate limits - resolution setting date of hearing on request to extend (Chunn's Cove, Happy Valley, Roger Grant, Jr. and B. H. Taylor)	60
City of Asheville Board of Alcoholic Control - appointment of member (Lawrence C. Merchant)	60
Cooperation Agreement with Housing Authority of the City of Asheville authorized	60
City Manager - report on playground, north section of city	60
City Manager - report on new golf course	62
City property - Riverside Drive - offer to purchase (East Coast Oil Company)	63
Chapin, F. Stuart - resignation as member of Housing Authority	63
City Manager - report - new facilities, including library, Civic Arts Center, Coliseum, etc.	64
Cedar Knoll Subdivision--plat approved under Subdivision Ordinance 424	65
City property - Riverside Drive - resolution authorizing advertisement (East Coast Oil Company offer)	69
Coston, Eugene - appointed member of Municipal Board of Elections	71
City Hall - space offered to State of North Carolina for use of Governor	71
Carolina Power & Light Company steam generating plant - leases with property owners fronting on lake	79
City property - Riverside Drive - report of sale - bid rejected	79
City of Asheville Board of Alcoholic Control - audit - December 31, 1964	81
City Manager - report on bridge, Sayles Village-Oakley - Dan Manufacturing Company - authorized to proceed	81
City Manager - report on Mosseller property, Chiles Avenue	82
City Board of Elections - certificate re proposed ordinance on fluoridation petitions	88
City Board of Elections - letter re rejection of petitions, fluoridation	89

PAGE

Citizens Advisory Committee of Redevelopment Commission - request to update Building Code, Electrical Code and Fire Prevention Code 93

Claim for Damages - Ralph Wilkie Ball 95

Clean-up and beautification drive - discussion 96

Claim for Damages - Robert Tucker 98

Community antenna cable television - request of Harold H. Thoms for city license to operate system 99

Cars - abandoned or junk - City Manager authorized to proceed 101

Carolina Power & Light Company - leases with property owners at lake (steam generating plant) 104

City Manager authorized to advertise for bids (Oakley Fire Station and Murphy Teenage Center) 104

City Manager - report on Bee Tree Fishing Lake 104

Community antenna cable television - discussion 106

City of Asheville Board of Alcoholic Control - audit for period ending March 31, 1965 107

City Manager - report - Metropolitan Sewerage District, Sinking Fund Commission 107

City Manager - report - Ordinance - Cats 112

City Manager - Weldon Weir reappointed 113

Corporation Counsel - O. E. Starnes, Jr. reappointed 113

City Clerk - Margaret Simmons reappointed 113

City Council - oaths of office 113

City Manager, Corporation Counsel, City Clerk - oaths of office 113

Civil Service Board - John L. Huntsman elected Director 113

Civil Service Board - J. William Hendon elected member 113

Council - time of weekly meeting 113

City Code - new - distributed to Council members 114

City property - offer of T. O. Youngblood to purchase certain property near Asheville Airport 114

City Manager - report on ambulance service 115

Charter requirement - Ordinance be read on three separate days dispensed with (Ambulance ordinance) 115

Clayton, Mrs. Mamie C. - appointed member of Advisory Board (Smoke Abatement) 121

City Manager - appointed ex officio member of Western North Carolina Regional Planning Commission 122

Councilmen - school for - invitation 122

Civic Arts Council, Inc. - Board of Directors - resolution re North-South Expressway 122

Civic Arts Council, Inc. - brochure on proposed Art Center, elements, and estimated cost 126

City Manager - report on proposed Community Facilities Program 126

Community Facilities Program - Statement of City Manager 126

City of Asheville - memorandum of understanding with Town of Biltmore Forest, Buncombe County, and North Carolina State Highway Commission 132

Clean-Up Campaign - discussion 132

Civic Redevelopment Project N. C. R-13 - request that North Pack Square be included in 132

Charter requirement that ordinance (#521) be read on three separate days - dispensed with 133

PAGE

City Manager - presents Budget Estimate 135

City property sales - policy of Council re real estate commission - Urban Renewal property 135

Charter requirement that ordinance (523) be read on three separate days - dispensed with 136

Crawford, Narvel J. - appointed Substitute Judge of Police Court 135

City Manager - statement re budget - discussion 140

City Property - offer of Aston Park Hospital, Inc. to purchase Rhododendron Park 140

City of Asheville Board of Alcoholic Control - Audit for period ending June 30, 1965 142

CATV - proposal of Asheville Cablevision (Robert O. Hofland) 143

Clean-up - litter - Asheville Garden club 144

"Carter, Elmer, Property of" - plat approved under Subdivision Ordinance 424 145

CATV - Report of City Manager 146

CATV - protest of antenna manufacturers 147

City Manager - report on CATV 146

City Manager - report on request to close Scenic Highway or Town Mountain Road (former location) 146

Cedar Street Bridge over Southern Railway at eastern entrance to Sayles Village - City Manager authorized to advertise for bids for construction of 146

Coleman, James M. - reappointed member of Planning and Zoning Commission 146

Corporate limits extension - request of Clyde Munn (portion of Happy Valley) 147

CATV - report of City Manager 148

CATV - discussion 148

CATV - Proposal of Harold H. Thoms 148

CATV - protest of radio and television antenna companies 148

City Manager - report on CATV 148

City property - near Airport - offer to purchase by Wilburn Associates, Inc. 149

City of Asheville Board of Alcoholic Control - request to move location of warehouse and store 152

City Board of Elections - requested to verify signatures on dog control petitions 152

City Board of Elections - requested to verify signatures on Sunday closing ordinance 153

City property - near Airport - Wilburn offer - resolution authorizing advertisement for sale 152

Cedar Street Bridge - Sayles Village - bids received 152

Cedar Street Bridge - Sayles Village - contract awarded Blue Ridge Structure Company 153

Cub Road - paving authorized 153

Cub Place - paving authorized 153

City Property - Buncombe County Planning Council to make study of offer of Aston Park Hospital to purchase Rhododendron Park 153

PAGE

City Board of Elections - certification of sufficiency of petitions - Proposed ordinance regulating dogs in city 154

City Board of Elections - certification of sufficiency of petitions - repeal of Ordinance #526 (Sunday closing) 155

City Board of Elections - election set on December 2, 1965 on question of control of dogs and repeal of Ordinance #526 (Sunday closing) 155

City Manager - announcement of schedule for closing Airport for work on runway, etc. 158

Citizens Advisory Committee on Urban Renewal - appointment of members (Douglas Pearson, Alvin Miller, Mrs. Charles D. Owen, Jr., R. S. Dillard, Jr.) 158

City employees - Sanitary Department - wage increase requested 159

CATV - bids to be received 159

Civil Service - amendment to rules and regulations approved - Age requirements, Police Department; Intra-departmental promotions, Fire Dept. 159

City Manager - Report on Bids - CATV 159

City Manager - Report on Bids - Young Mountain Reservoir 160

Community Antenna Television - bids - report of City Manager 159

Community Antenna Television - contract awarded Asheville Cablevision, Inc. 160

Crom Corporation - awarded contract to construct Young Mountain Reservoir 160

Cedar Street Bridge - agreement with Southern Railway for encroachment 160

Carolina Power & Light Company - granted easement over city property for power transmission line 161

CATV - discussion 161

City employees - Sanitary Department - wage increase - discussion 161

City Manager - report to Council - traffic on Louisiana Avenue 164

City Manager - report to Council - ambulance service 164

City Hall - lease of space to Metropolitan Sewerage District Board of Buncombe County, North Carolina 164

City Manager - report on Airport - strengthening runway 165

City employees - Sanitary Department - wage increase requested 165

City Board of Elections - result of election - Sunday Closing Ordinance, Dog Control Ordinance 167

City Board of Alcoholic Control - Audit 169

City Council meetings - suggestion of Councilman Algary 169

Civic Redevelopment Project - progress report 171

City of Asheville Board of Alcoholic Control - appointment of member (Walter I. Abernethy) 171

City Manager - report on new Golf Course 172

Cost Analysis - Redevelopment Commission 175

City Manager - appointed to Board of Directors - Opportunity Corporation, Inc. 176

City Manager - report on completion of strengthening runway, taxiway & apron at Airport 176

PAGE

City Property - Proposed Dedication of Asheville Circle Section 9

City Property - Proposed Dedication of Asheville Circle Section

City Property - Proposed Dedication of Riverside Drive

City Manager - report

City Manager - report on Fire Department

City Manager - report on Cemetery

Cemetery - City Property - Lot [illegible] Oakdale Cemetery

City Property - Proposed Dedication of Oakdale Cemetery

Citizens Action Committee - request

City Property - Proposed Dedication of Beaucatcher Drive

County Commissioners - requested to appoint members to Planning and Zoning Commission under GS 160-181.2 185

City Board of Alcoholic Control - appointment of member (Robert N. Grice) 185

City Manager - arrange appointment with Governor to discuss traffic problems, Tunnel Road 185

Community Facilities - City Manager authorized to employ architects to prepare schematic plan 186

Corporate limits extension - resolution setting date of public hearing - Clyde Munn property, off Bell Road in Haw Creek 187

City of Asheville Board of Alcoholic Control - resolution setting salary of Supervisor 187

City of Asheville Board of Alcoholic Control - audit 189

County Commissioners, Buncombe County - resolution appointing members to Planning and Zoning Commission (Joe A. Pless, W. Herbert DeWeese, E. B. Roberts, Coleman Jones, and William C. Sayre) 189

Citizens Action Committee - request of Asheville Garden Club for appointment of - beautification, clean-up 194

Community antenna television - discussion 194

Corporate limits - extension - Ridge St. (L. S. & M. Building Company, Inc.) 195

Citizens Action Committee on Beautification and Clean-Up (appointment of members) 197

Carolina Power & Light Company - easement and right of way (Rhododendron Park) 197

CATV - election proposed 198

Citizens Action Committee on Beautification and Clean-Up - announcement of first meeting 201

Civic Arts Center - contract for schematic design with Six Associates 201

Convention Center - contract for schematic design with Gudger, Baber and Wood 201

City Manager - report on requested closing of alley off Burton Street 202

Clean-up campaign - complaint of J. L. Morgan 202

Cocke, Philip C. Jr. - appointed Director of Public Works 203

PAGE

Community Shelter Program - Civil Defense - Metropolitan Planning Board authorized to enter into agreement with Corps of Engineers, Bureau of Yards and Docks 204

Corporation Counsel - Tunnel Road - widening - report on State Highway right-of-way 205

County Commissioners - urged not to reduce special school district supplemental tax 207

City of Asheville Board of Alcoholic Control - Audit 207

Corporate limits extension - resolution setting date of public hearing (Request of L. S. & M. Building Co., Eastwood Forest) 212

Civic Redevelopment Project - Urban Renewal - discussion 214

City property - Riverside Drive - offer to purchase - C. T. Day 214

Catch basins - drainage - discussion 219

City Manager - report - Civic Arts Center, Convention Center - Library 228

Civic Arts Center - Report of City Manager 228

Convention Center - Report of City Manager 228

City of Asheville Board of Alcoholic Control - Audit 229

City expenditures - discussion 235

Community Facilities Program (Convention Hall, Civic Arts Center - Library) - Greater Asheville Council Committee to assist - City Manager authorized to make study 235

Civic Arts Center - Greater Asheville Council Committee to assist - City Manager authorized to make study 235

Convention Center - Greater Asheville Council Committee to assist - City Manager authorized to make study 235

City Manager - authorized to make study in connection with Community Facilities Program - request of Greater Asheville Council 235

City Manager - report on Ambulance Service 235

City Manager - report on Ambulance Service 237

City Manager - report on Ambulance Service 242

City Charter - franchises - opinion of Attorney General sought 242

Central Avenue - house - discussion 242

Central Avenue - house - report of City Manager 244

City Manager - report on Central Avenue house 244

City Manager - report on proposed bond issue for Community Facilities 244

Community Facilities - report of City Manager on proposed bond issue 244

Central business district - action on resolution requesting Redevelopment Commission to proceed deferred 245

City Manager - report on complaint of Walter Zvoda - 119 Haywood Road 246

Central business district - action on resolution requesting Redevelopment Commission to proceed deferred 247

Citizens Action Committee for Beautification and Clean-Up - request for office space and staff 248

City Manager - report on bus service 251

City Manager - report on "so-called Gambling Incident" - city employees 252

City employees - so-called "Gambling Incident" - Report of City Manager 252

PAGE

City of Asheville Board of Alcoholic Control - Audit 2[illegible]

Citizens Action Committee on Beautification and Clean-Up - appointment of members (Ridley K. Robinson, Jr., Robert Jackson, Reginald C. Smith, S. Richard Perkins) 257

City of Asheville Board of Alcoholic Control - appointment of member (H. C. Strain) 257

Corporation Counsel - report on opinion of Attorney General re franchise - White Transportation Company 258

Corporation Counsel - report on opinion of Attorney General - use of motion pictures - Police Court 258

Council Chamber - sound equipment - discussion 258

Civil Service for members of Sheriff's Department - discussion 259

Christmas decorations - discussion 259

City Property - North Hanover - offer to purchase - Asheville Contracting Company 259

City Manager - report on insurance adjustment for fire at Recreation Park ice skating rink 261

City Manager - report on intentions of Robert Presley regarding Recreation Park concessions - ice skating rink 262

Community Facilities (Civic Arts, Convention Center, Library) report and recommendations of Greater Asheville Council, Chamber of Commerce 263

Civic Arts Center - report and recommendations of Greater Asheville Council, Chamber of Commerce 263

Convention Center - report and recommendations of Greater Asheville Council, Chamber of Commerce 263

Chamber of Commerce - recommendations on Community Facilities 263

City Manager - report - traffic signal - Merrimon & Wembley 264

City Manager Weldon Weir - remarks of Dr. Blackard re retirement 264

Charlotte Car & Truck Rental Co., Inc., doing business as Avis Rentacar--lease re car service at Asheville Airport 265

City Board of Elections - recommendation of Wayne S. Montgomery of Republican member (Alan H. Shaw) 267

City Board of Elections - appointment of members (G. Edison Hill, Eugene Coston, Alan H. Shaw) 268

Coston, Eugene - appointed member of Municipal Board of Elections 268

City Manager - report on gas companies - regulations 269

City Manager - report on negotiations with carriers at Asheville Airport 269

City property - Rhododendron Park - sale authorized - Aston Park Hospital offer 270

City Manager - report on gas companies - regulations 271

City Manager - report of playing permits at Municipal Golf Course 271

PAGE

Cooperation Agreement - Housing Authority Amendment #2 272

Community Safety Council - proposed 274

City's Workable Program for Community Improvement - request to recertify (Housing & Urban Development) 278

CATV - application of Asheville Cablevision for franchise and request for election 278

Community antenna television - bid for franchise by The Thoms Broadcasting Companies, Inc. 281

City property - sale authorized - Rhorodendron Park 282

Carolina Power & Light Company - plant - lake - lease - Mrs. Dorothy J. Dorsey 284

City Board of Elections - fluoridation petitions referred to 285

City Board of Elections - report on fluoridation petitions 285

Community antenna television - franchise granted Asheville Cablevision Corporation, subject to referendun 286, 287, 288, 289

Community antenna television - proposal of The Thoms Broadcasting Companies 281, 286

Crawford, Narvel J. - lease to be prepared - off-street parking 291

Carver, A. G. - lease to be prepared - off-street parking 291

Central Asheville Association - Asheville Parking Authority - discussion 292

City Board of Elections - fluoridation petitions referred to 292

Council meeting - bond election results to be canvassed 292

Community antenna television - franchise - Asheville Cablevision Corporation - results of election 295

City Charter - Senate Bill 78 - protest of City Council 295

Civic Redevelopment Project N.C. R-13 - boundaries 297

City Manager - report of - Building Code - sub-standard housing 298

Carver, A. G. and wife; D. B. McKenzie and First Union National Bank, as Co-Trustees under the Will of Henry G. McKenzie - lease - off-street parking 298

Crawford, Narvel J., Jr. - lease - off-street parking 298

Civic Redevelopment Project N.C. R-13 - boundaries 300

City Manager - report of - claim and complaint of Alice Hill McClarrin and Sanford Brown, et als 305

City employees - salaries - recommendation of Wage Review Board 306

Carolina Power & Light Company - lake frontage - lease - Haywood Plott 307

City of Asheville Board of Alcoholic Control - Audit 312

City Manager - appointed ex officio member - Western North Carolina Regional Planning Com. 312

Civil Service Board - appointment of Chairman (John L. Huntsman), appointment of member (J. William Hendon) 314

PAGE

[illegible] 321

[illegible] 323

[illegible] 325

[illegible] 325

[illegible] 325

[illegible] 325

[illegible] 327

[illegible] 327

[illegible] 329

[illegible] 331

[illegible] 333

[illegible] 335

[illegible] 337

CATV - petitions - Thoms Broadcasting Companies, Inc. 321

Civil Service Board - Annual Report 323

CATV - certification of City Board of Elections - petitions - Thoms Broadcasting Companies, Inc. 325

City Board of Elections - certification - petitions - Thoms Broadcasting Companies, Inc. - CATV 325

CATV - Thoms Broadcasting Companies, Inc. - election called 325

Council - to hold public hearing on Budget 327

City Clerk - to publish Notice of Presentation of Budget Estimate 327

City Manager - Budget Estimate 329

City property - report of [illegible] on Riverside Drive property (J. V. Sternberg) 331

City Board of Elections - fluoridation petitions referred to 333

Crawford, Narvel J. - [illegible] - substitute Judge of [illegible] Court 335

[illegible] 337

Citizens Advisory Committee [illegible] - Committee to study Minority Housing Problems - [illegible] member 337

[illegible] 337

City Board of Elections - additional fluoridation petitions referred to 339

City Board of Elections - certification of additional fluoridation petitions 341

City Board of Elections - certification of result of CATV election 341, 342, 343

CATV election - results of 341, 342, 343

Citizens Advisory Committee's Sub-committee on Minority Housing - appointment of additional members (Harold A. Talbert, Jr., Joseph W. Wilkins, L. S. Thomas, Samuel L. Quick, William Cocke) 346

Cocke, William - appointed member of Citizens Advisory Committee's Sub-committee on Minority Housing 346

Citizens Action Committee on Beautification and Clean-Up - appointment of members (Julian B. Stepp, Frank M. Dennis, Dean Y. Matthews, Mrs. Charles R. Kern, Roy W. Davis, Jr.) 346

Craggy Avenue - fire hydrant - statement of City Manager 347

Citizens Advisory Committee - appointment of member (Thomas McCurry) 351

PAGE

CATV - acceptance of franchise by The Thoms Broadcasting Companies, Inc. 351

Community facilities (Convention-Coliseum Center, Library, Civic Arts Center),East Riverside Urban Renewal Project - Report and Recommendation of Ad Hoc Citizens' Committee - Resolution authorizing City Manager to proceed to take action to bring to referendum 352

Convention-Coliseum Center - report of Citizens' Ad Hoc Committee - City Manager authorized to take administrative action to bring to referendum 352

Civic Arts Center - report of Ad Hoc Citizens Committee - City Manager authorized to take administrative action to bring to referndum 352

Citizens Committee, Ad Hoc - report on Community Facilities, East Riverside Urban Renewal Project - City Manager authorized to take administrative action to bring to referendum 352

City Manager - authorized to take administrative action to bring to referendum Community Facilities Projects 352

Carolina Power & Light Company - bus franchise - White Transporation Company - discussion 354

Coleman, James M. - reappointed member of Planning and Zoning Commission 356

Carolina Power & Light Company - steam generating plant - lease - lake frontage - Norman C. Ramsey 364

Community Facilities - Bonds - out-of-city residents - suggestion of Councilman Algary 365

City Manager - statement re bus service - White Transportation Company - creation of Transportation Authority 368

[illegible] 371

[illegible] 371

[illegible] 371

[illegible] 371

City license tax authorized 372

[illegible] Transportation Authority to be created 372

City of Asheville Board of Alcoholic Control - appointment of member (Fred P. Pearlman) 372

Community Facilities (Convention Center, Civic Arts Center, East Riverside Urban Renewal) - resolution authorizing City Clerk to publish Notice of Intention to Apply to Local Government Commission for Approval of Bonds 373

Convention Center - City Clerk to publish notice of Intention to Apply to Local Government Commission for Approval of Bonds 373

Civic Arts Center - City Clerk to publish notice of Intention to Apply to Local Government Commission for Approval of Bonds 373

Community Facilities (Convention Center, Civic Arts Center, East Riverside Urban Renewal) - resolution authorizing Mayor to file application with Local Government Commission for approval of bonds 374

Convention Center - resolution authorizing Mayor to file application with Local Government Commission for approval of bonds 374

Civic Arts Center - Resolution authorizing Mayor to file application with Local Government Commission for approval of bonds 374

PAGE

Community Facilities (Convention Center, Civic Arts Center), East Riverside Urban Renewal Project - report of City Manager 378

Convention Center - Report of City Manager 378

Civic Arts Center - Report of City Manager 378

City Manager - report on Community Facilities--East Riverside Urban Renewal Project 378

Community Facilities (Convention Center, Civic Arts Center, East Riverside Urban Renewal Project - City Manager designated to file Statement of Debt and Assessed valuation 379

Convention Center (Auditorium), Civic Arts Center, East Riverside Urban Renewal Project - City Manager designated to file statement of Debt and assessed valuation 379

Civic Arts Center - City Manager designated to file statement of Debt and assessed valuation 379

City Manager designated to file Statement of Assessed valuation and debt 379

City Manager's statement of Debt and Assessed valuation - Community Facilities and East Riverside Urban Renewal Project Bonds 379, 380, 381

Charter requirement ordinances be read on three separate days dispensed with (Community Facilities and East Riverside Project bonds) 381

Community Facilities (Convention Center, Civic Arts Center),East Riverside Urban Renewal Project - resolution calling election 381, 382, 383,

Convention Center (Auditorium), Resolution calling election 381, 382, 383,

Civic Arts Center - Resolution calling election 381, 382, 383,

Corporate limits extension - City Manager to make study 384

City Manager - to make study of corporate limits extension 384

City Manager - report on status of lots on Inglewood Road 386

Corporate limits extension - request of citizens in Lakeview Park area 386

Cobb, George W. - Ridgley K. Robinson - architect and engineer for Richmond Hills Golf course 387

Community Baseball, Inc. - endorsement of Cincinnati Reds 388

Cincinnati Reds - endorse out by Community Baseball, Inc. 388

Cincinnati Reds - lease with - McCormick Field property 390

Corporation Counsel - resignation of O. E. Starnes, Jr. 390

Corporation Counsel - appointment of Robertson Wall 390

Council meeting - time of - canvass bond election 391

Community Facilities (Auditorium, Convention Center; East Riverside Urban Renewal; Civic Arts Center - resolution canvassing results of bond election 391, 392, 393

Convention Center - resolution canvassing results of bond election 391, 392, 393

Civic Arts Center - resolution providing for filing, recording and publication of statement of result of bond election 393, 394

PAGE

Civic Redevelopment Project - NC R-13 - notice of public hearing authorized 397

Chamber of Commerce - Council request that its representative be on Executive Committee 397

Corporate limits extension - request of James H. Bailey, New Haw Creek Road 398

Civic Redevelopment Project - NC R-13 - public hearing cancelled 399

Civic Redevelopment Project - NC R-13 - recommendation of Redevelopment Commission - approval of City Council 400

Corporate limits extension - Bailey - resolution setting date of public hearing 402

City Manager - resignation of Weldon Weir 402

City Manager - remarks of Councilman Algary re Weldon Weir 402

Convention Center - Auditorium - Sports Arena - site discussion - proposal 403

Civic Redevelopment Project NC R-13 - [illegible] of sale of land to YMCA

Carolina Power & Light Company - Steam generating plant - lease - Robert E. [illegible]

City of Asheville Board of Alcoholic Control - Audit

[illegible] dation for Auditorium-Convention [illegible]

City Manager - request that he [illegible] interim executive director [illegible]

Corporate limits extension - request [illegible] Wath, Inc.

Civic Arts Center - City Manager authorized to proceed with final phase of construction contract with architects 410

City Manager - authorized to proceed with construction contract with architects for Civic Arts Center 410

CATV - progress report 410

Crossings - railroad - discussion 411

Carolina Power & Light Company - contract for pumping at North Fork Dam 412

CATV - Thoms Broadcasting Companies, Inc. - subscriber's application and rates 412

Convention Center, Auditorium - Aston Park proposed as site 412

CATV - Thoms Broadcasting Companies, Inc. - Certificate of Assumed Name 413

City property - Ashland Avenue - offer of purchase (Gust E. Pappas) 413

City property - offer to option lease at Asheville Airport 413

Convention Center - auditorium - endorsement of Miracle Mile Association 414

Convention Center - auditorium - request of Central Labor Association 415

Central Labor Association - request re Convention Center - auditorium 415

Convention Center - auditorium - letter from Mrs. Westall re use of Aston Park 415

City property - sale of advertisement authorized 416

Clinton Street - request for sidewalk 417

PAGE

Convention center-auditorium - advisability of use for - opinion of Park and Recreation Board 417

Convention center-auditorium - use of Aston Park site endorsed by Asheville Building & Construction Trade Council 417

City Manager - appointment of - views of Greater Asheville Council 418

Convention center-auditorium -protest of use of Aston Park by group living in East Riverside Renewal area 419

Convention Center - use of Aston Park endorsed by West Asheville Business Assn. 419

CITIES - MODEL - DEMONSTRATION - Resolution requesting Mayor to file application for planning grant 42

City Manager - authorized to proceed with lease - George Vanderbilt Hotel property 42

City Manager - authorized to include branch library in East Riverside Urban Renewal project 42

Convention Center- Auditorium - use of Aston Park endorsed by Home Builders Assn. of WNC, Inc. 421

Convention Center - Auditorium - presentation of downtown site by Greater Asheville Council 423

Civid Redevelopment Project - Urban Renewal - Project N. C. R-13 - public hearing set 426

City Manager Weir - request to reconsider formal resignation 42

Corporate limits - extension - discussion

Convention Center - Auditorium - public hearing set to consider selection of site

Convention Center - Auditorium - proposal of Tunnel Road Association 441

Civic Redevelopment Project N.C. R-13 - approval of street layout plan 441, 442, 443

City of Asheville Board of Alcoholic Control - Audit 444

Convention Center - Auditorium - discussion 444

Convention Center - Auditorium - suggestion of Asheville Merchants Association 444

City Council - staggered terms suggested 445

Central Asheville Association - urges employment of professional help in securing site for auditorium 446

Convention Center - Auditorium - Central Asheville Association - professional help ikn selecting site 446

Convention Center - Auditorium - Asheville Board of Realtors urges professional help in selecting site 446

Convention Center - Auditorium - public hearing - action postponed on selecting site 446

Convention Center - Auditorium - discussion 447

Civic Redevelopment Project NC R-13 - approval of sale to county postponed 446

Civic Arts Council, Inc. - request to Council to reconsider its action whereby site of the Center in Civic Redevelopment Project might be affected 447

Civic Redevelopment Project N. C. R-13 - Request of Buncombe County that city reassess its position 447

Civic Redevelopment Project N. C. R-13 - request of Civic Arts Council that city not affect site of Civic Arts Center 447

Carroll Avenue - resolution setting forth intention to widen 457

Carolina Power & Light Company - Lake Julian - lease to Mrs. C. M. Swicegood 459

Convention Center - Auditorium - downtown location at or near Rankin Avenue - City Manager to develop facts 460

City Manager - to develop facts relative to downtown location for Auditorium-Convention facility at or near Rankin Avenue site 460

Convention - Community Facility - Auditorium - proposal of George Coggins 460

George Coggins - proposal re convention - community facility - auditorium 460

Civic Redevelopment Project NC R-13 - sale of property to Buncombe County for Health center - approved 460

Civil Service Board - Annual report 460

Convention Center-Auditorium - report of City Manager 463

City Manager - report re convention center-auditorium 463

Convention center-auditorium - resolution re acquiring property, architectural contract, and off-street parking 463

Coggins, George - renewal of proposal re convention - auditorium, community facilities 465

City property - small triangle at northwestern corner of Walton Park - offer to purchase 465

Convention Center - City Center - schedule for financing - City Manager to proceed 467

Community antenna television - report to be presented 467

City Center - appointment of Advisory Committee to City Manager (W. [illegible], J. O. Ruth, Paul Coolidge, Ralph [illegible], R. V. Lee, Jr., Seymour Fligel) 467

City of Asheville Board of Alcoholic Control - audit 472

Citizens Action Committee on Beautification and Clean-Up - appointment of members (Mrs. M. J. Canty, Rev. John H. Diehl, III, W. L. Lovelace 473

Canty, Mrs. M. J. - appointed member of Citizens Action Committee on Beautification and Clean-Up 473

City Center - Parking - appointment of Advisory Committee to City Manager (Charles R. Kern, Murray A. Miller, James G. Stikeleather, Jr., Fred Pearlman, Seymour Fligel) 473

City Center - protest of Asheville Central Labor Union and Construction and Trades Council - protest at location 473

Coleman, James M. - resignation as member of Planning and Zoning Commission 473

Corporate limits extention - request of Ben Lippen School 473

City Center - request of space by Asheville Unit - American Contract Bridge League 474

County Commissioners - invitation to attend meeting to discuss water 474

Civic Arts Center - concept of plans approved 476

City Center - report of Councilman Algary 476

CLAIMS FOR DAMAGES

PAGE

Ralph Wilkie Ball - personal injuries 95

Robert Tucker - personal injuries 98

Hugh A. Travis, W. R. Travis, Audrey Mendes, Lena T. Lytle - property damages 141

Rae Sr. - claim for property damages 2[illegible]

Alice Hill McClarrin, Owner, & Sanford W. Brown, her Attorney & agent in charge, & William Howard Sloan and his wife, Lulla Mae Sloan, tenants of the property situate at No. 3 Greenlee St., Asheville, N. C. - demand for water to be turned on 303

	PAGE
Debra Lane, paving authorized	10
Duke, John A. Enterprises - proposal to operate air travel insurance booth at Asheville Airport	32
Duke, John A. Enterprises and Frederic A. Manchester and wife (a partnership)-contract flight insurance at Airport	35
Devonshire Place - paving authorized	45
Doctors' Park - Site plan approved	58
Dawson, George E. - appointed member of Metropolitan Sewerage District Board	71
Deal, Walter A. - appointed member of Board of Directors of the Buncombe County Planning Council	78
Dan River Mills - bridge - Sayles Village, Oakley	80
Dan Manufacturing Company - bridge - Sayles Village, Oakley - City Manager authorized to proceed	81
Dan Manufacturing Company - bridge - Sayles Village-Oakley, Report of City Manager	83
David Millard Junior High School - 7th Grade Music Class - appreciation for program	84
Dogs - discussion - Corporation Counsel to confer with SPCA	[illegible]
Depositories, banking, named - Wachovia Bank & Trust Company, First Union National Bank, First-Citizens Bank & Trust Company, The Northwestern Bank, Bank of Asheville	113
Dogs - discussion	114
Door Openers - request for aids to eliminate architectural barriers to physically handicapped	122
Duckworth, W. T. Jr. - appointed member of Board of Adjustment (Planning & Zoning)	126
Dogs - report of Corporation Counsel on conference with SPCA	128
Dogs - fence-leash ordinance with petition to be drawn and election held	128
Dogs - petitions requesting passage of control ordinance or election on same	152
Dogs - certification of petitions by City Board of Elections	155
Dogs - election - discussion	156
Dillard, R. S., Jr. - appointed member of Citizens Advisory Committee on Urban Renewal	158
Dog Control Ordinance - Election results	167
DeWeese, W. Herbert - appointed by County Commissioners to Planning and Zoning Commission	189
Dermid, Charles W. - resignation as Director of Public Works	203
Dermid, Charles W. - appreciation by Council	204
Deamon, Dr. Elwood L. - appointed member of Smoke Abatement Appeal Board	208
Door-Openers - petition requesting aids to eliminate architectural barriers for physically handicapped	212
Day, C. T. - offer to purchase property on Riverside Drive	214
Drainage - catch basins - discussion	219
Drunk drivers - motion pictures - Police Department - discussion	246
Drunk drivers - motion pictures - Report of Corporation Counsel on opinion of Attorney General	258

	PAGE
Duckett, Alice S. - lease relating to gift shop operation at Asheville Airport	[illegible]
Debra Lane - paving authorized	[illegible]
Dogwood Grove - [illegible]	[illegible]
Delta Air Lines, Inc. - Amendment to Lease - Asheville Airport	276
Dorsey, Mrs. Dorothy J. - lease of lake frontage - Carolina Power & Light Company steam generating plant lake	284
Dogs - complaint re enforcement of ordinance	[illegible]
Daniels, James W. - appointed member of Wage Review Board for the City of Asheville	299
Deal, Walter A. - appointed member of Wage Review Board for the City of Asheville	299
Dogs - complaint about [illegible] by officers	310
Departmental budget request - General Government	323
Department of Housing and Urban Development - requested to approve Workable Program for Community Improvement	340
Dennis, Frank M. - appointed member of Citizens Action Committee on Beautification and Clean-Up	346
Davis, Roy W., Jr. - appointed member of Citizens Action Committee on Beautification and Clean-Up	346
Davis, J. Mac - [illegible] Transit Authority	[illegible]
Debt and Assessed valuation - statement of City Manager - Community Facilities Bonds, East Riverside Urban Renewal Project Bonds	[illegible]
Dawson, George - reappointed member of Metropolitan Sewerage District Board	348
Deaverview Road - request for street Lawing	[illegible]
Demonstration - Model - Cities - resolution authorizing Mayor to file application for planning grand	420
Duckworth, W. T. Jr. - appointed member of Board of Adjustment	[illegible]
Diehl, Rev. John H. - appointed member of Citizens Action Committee on Beautification and Clean-Up	473

		Lot Sheet Ward	PAGE
Clara M. Ford	Property on Riverside Drive, Riverside Park		68
State of North Carolina	25 acres near Airport - Agricultural Livestock Center		74
Harold C. Wilburn	Property on Fanning Bridge Road near Airport		165
City of Asheville, Goodyear Mortgage Company, Inc., and George Goodyear to Bruce A. Elmore, Trustee, and The Northwestern Bank	Old Langrel Hotel property - construction loan for parking garage		176
Beaverdam Water and Sewer District	Sewer line		207
			234
Aston Park Hospital, Inc.	Rhododendron Park property		300
Farm Equipment Co. of Asheville, Inc.	Property on Riverside Drive		347
Gust A. Pappas and wife, Mary G. Pappas	Property on Asheland Avenue		443
Housing Authority of the City of Asheville	small triangle at northwest corner of Walton Park		466
O. C. Maney and wife	Riverside Drive		466
State Highway Commission	Old Incinerator property [illegible]		469

	PAGE
Expressway - signs - Cavalier Motor Court - Approved	56
Easement to Carolina Power & Light Company over Rhododendron Park - authorized	59
East Coast Oil Company - offer to purchase property on Riverside Drive	63
Echo Hills, Section 1 - plat approved under subdivision ordinance 424	68
Election Board, Municipal - appointment of members (C. Edison Hill, Eugene Coston and Irwin Monk)	71
Expressway beautification - discussion	84
Electrical Code - request to be updated by Citizens Advisory Committee of Redevelopment Commission	93
Election - Primary - Result	102
Electrical Wiring - ordinance requirement - waived - Broad River Processing Company	104
Elections - permanent loose-leaf system recommended	105
Electric - General - Elucidation of Utility - Cost	110
Election - congratulations by Council and Mayor	112
Eller, Earl W. - elected Mayor	113
Employees and officials - bonds	113
Expressway - North-South - resolution of Civic Arts Council	122
Election - proposed - fence-leash ordinance for dogs	128
Electrical Examiners, Board of - appointment of members (Frank Hyatt, Jr., B. Laxter Haynes, Eugene B. Blackwell; G. L. Beck and C. H. Gudger ex officio)	137
Electrical Examiners, Board of - resignation of Eugene B. Blackwell	138
Electrical Examiners, Board of - appointment of Lawrence A. Ray	138
Expressway-North-South - Valley-Central Areas plan prepared by Wilbur Smith and Associates approved by Metropolitan Planning Board	145
Expressway-North-South - Resolution approving approving Valley-Central areas plan prepared By Wilbur Smith and Associates	146
Election Board - City - requested to verify petitions (Proposed Dog Control Ordinance	152
Election Board - City - requested to verify petitions (Repeal of Ordinance #526, Sunday closing)	152
Election Board - City - Certification of petitions - Proposed Dog Control Ordinance	154
Election Board - City - Certification of petitions - Repeal of Sunday Closing Ordinance	155
Election Board - County - requested to hold election on Proposed Dog Ordinance and Repeal of Sunday Closing Ordinance (#526) on November 7, 1961	155
Election - dog control, Sunday closing - discussion	156
Employees - Sanitary Department - wage increase requested	159
Easement - Carolina Power & Light Company to construct power transmission line over city property	161
Employees - Sanitary Department - wages - discussion	161
Election Results - Sunday Closing Ordinance, Dog Control Ordinance	[illegible]
Echo Hills Extension, Section 2 - [illegible] approved under ordinance 424	[illegible]
Expressway - amendment to agreement with State Highway Commission for acquisition - ment on for parkin purposes	[illegible]
East Riverside - Urban Renewal Project - discussion	187
Election opposed on CAPE	[illegible]
Expressway - sign request of Lamar Dean advertising - disapproved	202
Erichson, John W. - [illegible] Planning Board	[illegible]
East Riverside Urban Renewal Project N. C. - R-48 - resolution setting date of public hearing	213
East Riverside Urban Renewal Project N. C. - R-48 - discussion	214
East Riverside Urban Renewal Project N. C. - R-48 - Public Hearing - resolution approving Plan	224
East Riverside Urban Renewal Project N. C. - R-48 - discussion	[illegible]
East Riverside Urban Renewal Project N. C.-R-48 - discussion	242
East Riverside Urban Renewal Project N. C.-R-48 - discussion	[illegible]
East Riverside Urban Renewal Project N. C. R-48 - complaint of Mrs. Rogers	251
East Riverside Urban Renewal Project N. C. R 48 - City Manager authorized to present proposal to Local Government Commission	263
East Riverside Urban Renewal Project - building inspections - discussion	[illegible]
East Riverside Urban Renewal Project - Redevelopment Commission requests early vote on bonds	[illegible]
East Riverside Urban Renewal Project - inspections - Report of Director of Public Safety	[illegible]
East Riverside Urban Renewal Project - schedule re bond election	[illegible]
East Riverside Urban Renewal Project Mayor authorized to file application with Local Government Commission for approval of $1,400,000 Redevelopment Bonds	[illegible]
East Riverside Urban Renewal Project - Bonds - statement of City Manager	273
East Riverside Urban Renewal Project - City Manager designated to prepare Statement of Debt and Assessed Valuation	274
East Riverside Urban Renewal Project - Bonds - Statement of Debt ane Assessed Valuation	274, 275, 276
East Riverside Urban Renewal Project - Bonds - Resolution calling special election	276
Election called - East Riverside Urban Renewal Project Bonds	276
Election requested - Asheville Cablevision - franchise	278
East Riverside Urban Renewal Project - questions - Republican Women's Club	283
East Riverside Urban Renewal Project - Republican Women's Club - report of City Manager	285

PAGE

Election requested - fluoridation - petitions 285

Election - fluoridation - report of City Board of Elections 285

Election - cable television - franchise - Asheville Cablevision Corporation - ordered 286,287,288 289

Election requested - fluoridation - petitions 292

East Riverside Urban Renewal Project - statement of City Manager re second election 292

East Riverside Urban Renewal Project - resolution canvassing returns of Special Bond Election 293

East Riverside Urban Renewal Project - resolution authorizing publication of Statement of Result of Special Bond Election 294

Election - East Riverside bond - resolution canvassing returns 293

Election - East Riverside bond - resolution authorizing publication of results of election 297

Election - franchise - Asheville Cablevision - results 295

Eve, Arthur E. Jr. - appointed member of Wage Review Board for the City of Asheville 299

East Riverside Urban Renewal Project - discussion 312

[illegible] 316

Election requested - CATV - Thoms Broadcasting Companies, Inc. 321

Election - certification of petitions - Thoms Broadcasting Companies, Inc. - CATV - election called 325

Election requested - fluoridation petitions 333

Election Board - fluoridation petitions referred to 333

Electrical Examiners, Board of - members appointed Frank Hyatt, Jr., B. Laxter Haynes - G. L. Beck and Roy Pruitt - ex officio 333

Erichson, John W. - appointed member of Recreation Board for Asheville 333

[illegible] 339

Election requested - additional fluoridation petitions 339

Election Board - additional fluoridation petitions certified by 341

Election called - fluoridation, calgon, caustic soda removal 341

Election - result of - CATV 341, 342, 343

East Riverside Urban Renewal Project - City Manager authorized to take administrative action to bring to referendum 352

East Riverside Urban Renewal Project - statement of Interfaith Committee on Housing 366

[illegible] FLUORIDATION 371

[illegible] - Board [illegible] for December 5th 371

East Riverside Urban Renewal Project - City Clerk authorized to publish Notice of Intention to Apply to Local Government Commission for Approval of Bonds 373

East Riverside Urban Renewal Project - resolution authorizing Mayor to apply to Local Government Commission for approval of bonds 374

East Riverside Urban Renewal Project - discussion 378

East Riverside Urban Renewal Project - report of City Manager 378

East Riverside Urban Renewal Project - City Manager designated to file statement of debt and assessed valuation 379

PAGE

East Riverside Urban Renewal Project - City Manager's statement of debt and assessed valuation 379, 380, 38[illegible]

East Riverside Urban Renewal Project - resolution calling election 381, 382, 38[illegible] 384

Election - East Riverside Urban Renewal Project - Community Facilities (Auditorium, Convention Center; Civic Arts Center) resolution canvassing results of election 391, 392, 3[illegible]

East Riverside Urban Renewal Project - resolution canvassing results of election 39o, 392, 3[illegible]

Election - statement of result to be filed, recorded and published - East Riverside Urban Renewal Project; Community Facilities (Auditorium, Convention Center; Civic Arts Center) 393, 39[illegible]

East Riverside Urban Renewal Project - unopened public right of way request withdrawn - Robert L. Harrell 411

East Riverside - group protests use of Aston Park for use of auditorium-convention center 419

East Riverside Project - authority to include branch library in project 420

East Riverside Redevelopment Project filing of amendatory application for loan and grant in project 422

Employment - students - summer work - discussion 422

East Riverside - proposed rehabilitation plans - discussion 427

East Riverside - proposed rehabilitation plans - discussion 438

East Riverside - proposed rehabilitation plans - discussion

East Riverside - Bond anticipation note - Local Government Commission requested to set up funding schedule 445

East Riverside Urban Renewal - City Manager to seek expansion of 446

East Riverside - redevelopment bond anticipation notes 456, [illegible]

East Riverside - redevelopment bond anticipation notes - sold [illegible]

Expressway - sign - approved [illegible]

	PAGE
Ford, Frank - offer to purchase property on Riverside Drive	36
Fluoridation - protest of Miss McCoy	49
Ford, Frank - resolution authorizing sale of property on Riverside Drive	53
Fluoridation - report of Supreme Court decision - Corporation Counsel directed to prepare ordinance and petition requesting election	54
Fluoridation - letter from First District Dental Auxiliary	55
Fluoridation - letter from Auxiliary to the Medical Society of Buncombe County	55
Fluoridation - request of Shelby E. Horton, Jr.	55
Fluoridation - request of Nell Stroupe, president of Pure Water Association and Miss McCoy	56
Fluoridation - petition of Pure Water Association	57
Fluoridation - motion of Council rescinded	57
Ford, Frank - Report of City Manager on sale, Riverside Drive property	68
Ford, Clara M. - deed made to for property on Riverside Drive	68
Firemen's Relief and Pension Fund, Board of Trustees - appointment of member (Perry C. Tomlin)	70
Firemen - wage increase	79
Fluoridation - discussion re petitions, election	84
Fluoridation - petitions asking enactment of ordinance or election	88
Fluoridation - petitions asking for election	88
Fluoridation - Certificate of Municipal Board of Elections	88
Fluoridation - resolution submitting proposed ordinance to voters	88
Fluoridation - letter rejecting certain petitions - Municipal Board of Elections	89
Fluoridation - request of Mrs. Stroupe re petitions	90
Fire Department - Annual Report, 1964	93
Fire Prevention Code - request by Citizens Advisory Committee of Redevelopment Commission to update	93
Fluoridation - discussion	93
Fluoridation - discussion	96
Federal Housing Administration - low-rent housing - resolution of city's cooperation	101
Fluoridation - Miss McCoy	107
Fluoridation - Election - Result	109
Fluoridation - Miss McCoy	112
First Union National Bank - named depository for city funds	113
First-Citizens Bank & Trust Company - named depository for city funds	113
Felkel Oil Company - petition by property owners objecting to expanding facilities	131
Fluoridation - Miss McCoy	138
Fluoridation - Miss McCoy - Petitions	143
Felder, Hugh M. - reappointed member of Planning and Zoning Commission	146
Fluoridation - protest of Miss McCoy	149
Federal Aviation Agency - resolution of city accepting Grant Offer for strengthening runway, taxiways and apron at Asheville Airport	156
Fire Department - Civil Service Rules and Regulations - Intra-Departmental Promotions	159
Fluoridation - protest of Miss McCoy	160
Friendly Hollow Road - paving authorized	167
Furr, Dan M. - appointed to Board of Directors, Vanderbilt Apartments	170
Fluoridation - protest of Miss McCoy	170
Fluoridation - protest of Miss McCoy	170
Fire protection - American Insurance Association survey - discussion	176
Fire protection - American Insurance Association survey - report of City Manager	176
Fire Prevention Code - ordinance adopting 1965 Amendment to be prepared	187
Firemen's Relief Fund, Board of Trustees - appointment of member (John W. Spicer)	188
Federal Aviation Agency - lease of space - Terminal Building, Asheville Airport	191
Fluoridation - Miss McCoy	191
Fire hydrants requested - Hi Alta, Appalachian Way, Deaverview Road, Huffman Road, Lakeshore Drive	192
Fire Prevention Code (1965) Edition recommended by the American Insurance Association - ordinance adopting	193
Fire Department - Annual Report	196
Fire protection - request of Dr. Manuel W. Butler	212
Fire protection - request of Dr. Manuel W. Butler - report of City Manager	212
Fluoridation - protest of Miss McCoy	236
Franchise - White Transportation Co. - opinion of Attorney General sought	237
Franchises - City Charter - further opinion of Attorney General sought	242
Fluoridation - protest of Miss McCoy	250
Furr, Dan M. - reappointed member Board of Directors, Vanderbilt Apartments	255
Franchise - White Transportation Company - report of Corporation Counsel on opinion of Attorney General	256
Federal funds - to be applied for - mass transit study, thoroughfare plan, land use plan	261
Firemen's Relief Fund - Board of Trustees - appointment of member (Perry C. Tomlin)	265
Federal - Housing and Urban Development - asked to recertify City's Workable Program for Community Improvement	278
Franchise - application of Asheville Cablevision - cable TV - request for election	278
Franchise - bid of The Thoms Broadcasting Companies, Inc. - CATV	281
Fluoridation - petitions calling for election	285

	PAGE
Fluoridation - petitions calling for election	285
Franchise - Asheville Cablevision Corporation - subject to referendum	286, 287, 288, 289
Fluoridation - protest of Miss McCoy	289
Fluoridation - petitions - report of City Board of Elections	285
Fluoridation - petitions - returned to Miss McCoy	289
Fluoridation - protest of W. T. Kerr, Jr	290
Fire Department - Annual Report presented	292
Fluoridation - petitions requesting election presented by Miss McCoy	292
Franchise - election - Asheville Cablevision - results	295
Fluoridation - report of Municipal Board of Elections - petitions	297
Grant Park National Bank and D. E. McKenzie Co-Trustees under Will of Henry C. McKenzie and A. C. Carver and wife - lease - off-street parking	298
Fairview Men's Club - request for extension of Water line	307
Fluoridation - protest of Miss McCoy	310
Fluoridation - protest of Miss McCoy	312
Fluoridation - protest of Miss McCoy	314
[illegible]	[illegible]
Firemen's Pension and Disability Fund, Policemen's Pension and Disability Fund - appointment of member (Dr. E. Sease Koon, Jr.)	317
Fluoride, caustic soda, calgon - petitions calling for elimination from public water supply - or call election	333
[illegible]	[illegible]
Fluoride, caustic soda, calgon - certification of City Board of Elections	341
Fluoride, caustic soda, calgon - removal of - election called	341
Franchise ordinance - Thoms Broadcasting Companies, Inc. - CATV	343, 344, 345, 346
Fire Hydrant - Craggy Avenue - statement of City Manager	347
Franchise ordinance - acceptance of by The Thoms Broadcasting Companies, Inc.	351
Franchise - Carolina Power & Light Company - White Transportation Company - bus	354
Felder, Hugh M. - reappointed member of Planning and Zoning Commission	356
[illegible]	[illegible]
Firemen's Relief Fund, Board of Trustees - appointment of member (John W. Spicer)	399
Fire Department - Annual Report	414
Fluoridation - protest of Miss McCoy	418
Fluoridation - protest of Miss McCoy	461
Fluoridation - request of Miss McCoy	463
Fligel, Seymour - appointed member of Advisory Committee to City Manager - City Center - Parking	473
French Broad River banks - trash - discussion	474

	PAGE
Gracelynn Community Club - protest of use of Ira B. Jones Elementary School for recreation area	46
Golf course - new - report of progress	62
[illegible]	106
Gudger, C. H. - reappointed ex officio member of Board of Electrical Examiners and member of Board of Examiners of Motion Picture Operators	134
Grant Offer of United States of America through Federal Aviation Agency - resolution accepting - for strengthening runway, taxiways and apron at Asheville Airport	156
Golf course - new - report of City Manager - discussion	172
Grice, Robert N. - appointed member of City of Asheville Board of Alcoholic Control	185
Governor Moore - appointment arranged with to discuss traffic problems, Tunnel Road, etc.	185
Grice, Robert N. - resolution setting salary as supervisor of City of Asheville Board of Alcoholic Control	187
Governor Moore - meeting to discuss traffic problems, Tunnel Road - postponed	187
Gudger, Baker and Wood - contract [illegible] Action for Tourist and Convention [illegible]	201
Girl Scouts - welcomed to meeting	210
Garbage collection - discussion	219
Griffin, William Ray and wife - lease - off-street parking	227
Gerber Products Company - water rate established for	234
Greater Asheville Council - to assist in making study in re Community Facilities program - City Manager to make study	235
Griffin, William and wife - amendment to lease - off-street parking	249
"Gambling incident", so-called - Report of City Manager	252
Gerber Products Company - water rate established for (amendment)	261
Greater Asheville Council - report and recommendations re Community Facilities (Civic Arts Center, Convention Center, Library)	263
Gas companies - regulations - discussion	268
Gas companies - report of City Manager	269
Golf course - municipal - petition re memberships	270
Gas companies - regulations - report of City Manager	271
Golf course - municipal - report of City Manager on [illegible]	271
General Government - departmental budget request	321
Garbage - method of collection	338
Golf course - Richmond Hills - discussion	368
Greyhound Bus Lines - asked city support of application to Interstate Commerce Commission - certain direct lines	375
Golf course - Richmond Hills - proposals to design	384
Golf course - Richmond Hills - George W. Cobb, Ridgley K. Robinson selected as architect and landscape engineer	387
Gragg, George - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	399
Grimes, C. P. - offers site on Leicester Highway for Convention Center	419
Greater Asheville Council - views on appointment of City Manager	419
George Vanderbilt Hotel property - request for lease for parking	[illegible]
George Vanderbilt Hotel property - authorization for City Manager to proceed with lease	2
Greater Asheville Council - [illegible] of downtown site for Auditorium - Convention Center	2
Group Development Project for Housing for Elderly on South French Broad adjacent to Aston Park - Site Plan - Hearing set	440, 441
Girl Scouts - welcomed	[illegible]
Georgia Avenue - resolution setting date of public hearing [illegible] to close	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Georgia Avenue - no action on proposed closing of portion	472

	PAGE
Housing Code - see Ordinance No. 498	2
"Hildebrand Estate, a Portion of - plat approved under Subdivision Ordinance 424	8
Housing Authority of the City of Asheville - additional low-rent housing to be studied by	9
Haw Creek- Beverly Hills Community Center - resolution authorizing advertisement for construction bids	16
[illegible] water heaters - hazards - discussion	22
Haw Creek-Beverly Hills Community Center - bids	34
Haw Creek-Beverly Hills Community Center - contracts awarded (Z. B. Robinson Construction Company, Moser Plumbing Company, R & W, Inc., Hayes & Lunsford Electric Company)	35
Hayes & Lunsford Electric Company - awarded electrical contract - Haw Creek-Beverly Hills Community Center	35
Housing - low-rent - resolution approving application for preliminary loan	53
Housing Authority of the City of Asheville - Cooperation Agreement with authorized	60
Housing Authority of the City of Asheville - resignation of F. Stuart Chapin	63
Housing Authority of the City of Asheville - appointment of Ivan W. Parkins	63
Hill, G. Edison - appointed member of Municipal Board of Elections	71
Housing Authority of the City of Asheville - resignation of Mrs. Ralph Walls	79
Housing Authority of the City of Asheville - appointment of Robert D. Barbour	79
Highway billboards - legislation authorizing - resolution authorized	84
Highway billboards - resolution	87
Housing - low-rent - resolution of city's cooperation under FHA regulations	101
Housing and Home Finance Agency - requested to recertify City's Workable Program for Community Improvement	105
Huntsman, John L. - elected Director of Civil Service Board	113
Hendon, J. William - elected member of Civil Service Board	113
Hall, Mrs. J. C. - appointed member of Advisory Board (Smoke Abatement)	121
Harkins, Herschel - appointed member of Board of Adjustment - Planning and Zoning	126
Hughes, Gary E. - appointed member of Board of Adjustment - Planning and Zoning	126
Hutchison, W. G. - complaint re traffic violations	128
Henderson County Board of Education - interest of in Boiling Springs Baptist Church to be purchased	132
Hyatt, Frank, Jr. - reappointed member of Board of Electrical Examiners	134
Haynes, B. Laxter - reappointed member of Board of Electrical Examiners	134
Holland, S. E. - reappointed member of Board of Examiners of Motion Picture Operators	134
Hofland, Robert O. (Asheville Cablevision, Inc.) - proposal to install CATV	143
"Happy Valley, Section Two" - plat approved under Subdivision Ordinance 424	144
Hall, David E. Jr. - [illegible] Redevelopment Co. [illegible] Asheville	[illegible]
Happy Valley, A portion of - plat approved under Ordinance #424	[illegible]
Heaters, water - [illegible]	[illegible]
Happy Valley - annexation of part - Mr. Munn	185
Harkins, Herschel - [illegible] member of Board of Adjustment - Planning and Zoning	[illegible]
[illegible]	[illegible]
Hyde, L. D. - appointed member of Smoke Abatement and Air Pollution Advisory Board	202
Housing and Building Codes - protest of Miss McCoy	212
Harris, Henry and wife - lease - off-street parking facility	212
"Hillside Terrace, Resubdivision of Lot 7 of" - approval of plat under Subdivision Ordinance #424	215
Housing and Building Codes - protest of Miss McCoy	216
Haywood Contracting Co. - awarded general contract - Oakley Fire Station-Community Center	242
Haynes, M. B. Electric Co. - awarded electrical contract - Oakley Fire Station-Community Center	242
Housing Code enforcement - schedule of inspections	244
Housing - low-rent - resolution approving application of Housing Authority application for preliminary loan	245
Heazel, Francis J. - appointed member of Board of Directors of Buncombe County Planning Council	249
Holcombe, Grace Cook and husband, E. C. Holcombe - lease - off-street parking	250
Housing Authority of the City of Asheville - resolution authorizing execution of amendment to Cooperation Agreement	[illegible]
Huff, C. Jackson - appointed member of Recreation Board for Asheville	[illegible]
Hospital Report - prepared by Department of Hospital Administration, School of Medicine, University of North Carolina for Buncombe County Planning Council	262
Hamilton Street - sidewalk paving on east side authorized	265
Horizon Hill (Sandon Drive) Apartments - Site plan - recommendation of Planning and Zoning Commission	266
Hill, G. Edison - appointed member of Municipal Board of Elections	268
Horte Corporation - lease - Asheville Airport commission	271
Housing - low-rent - resolution to amend resolutions adopted October 15, 1964, and September 22, 1965 and consolidate said resolution approving application for preliminary loans	272
Housing - low-rent - resolution authorizing execution of amendment to Cooperation Agreement	272
Hall, J. C. - appointment as Chief of Police	282

PAGE

Hairston, T. Arthur - application to member of Asheville School Board 292

Holt, Dr. John P. - appointed member of Asheville School Board 295

Housing Authority of the City of Asheville - appointment of member - Joseph C. Wilkins 296

Housing and Urban Development - request that Housing Code be amended 305

Housing Code - requested amendment by Housing and Urban Development 305

Haggard, William H. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Harrison, W. S. and wife - lease - off-street parking 307

Hartsell, John L. - appointed Director of Civil Service 314

Howden, J. William - appointed member of Civil Service Board 314

Housing Code - protest of Miss McCoy 321

Holcombe - "Plat of Property of Lee Holcombe" - approved 327

Hyatt, Frank Jr. - appointed member of Board of Electrical Examiners 333

Haynes, B. Laxter - appointed member of Board of Electrical Examiners 333

Human Relations Coordinator - request that Buncombe County Planning Council establish office of 340

Human Relations Coordinator - Buncombe County Planning Council agrees to assume responsibility of establishing office for 340

Housing - Citizens Advisory Committee's Sub-Committee on Minority Housing - appointment of additional members (Harold A. Talbert, Jr., Joseph W. Wilkins, L. S. Thomas, Samuel L. Quick, William Cocke) 346

Housing and Urban Development, Department of - requested to approve Workable Program for Community Improvement 346

Housing Code - Systematic Housing Code Compliance Program for Asheville - resolution establishing 346

Horizon Hill Apartments - Site Plan 355

Hot water heaters - defective - public urged to have inspected 356

Horizon Hills - Site Plan - disapproved 360

Hooten, Joseph L. - requested to help with Transportation Authority 368

Harvest House - invitation to attend Anniversary Tea 372

Housing - slum - city to tear down certain houses and charge lien against properties 375

HOUSING CODE - revision - endorsement of Home Builders Association of W.N.C. 401

Home Builders Association of W. N. C. - endorsement of Housing Code revision 401

HOUSING CODE - revision - presented 402

Heart of Asheville Motel - lease for off-street parking 405

Hospitals, Memorial, St. Joseph's, Aston Park - resolution commending joint fund raising effort 409

Hertz Rent a Car - offer to lease property at Airport for building 422

PAGE

HUD - resolution amending resolution requesting grant under Mass Transportation Act 446

Housing Authority - letter of intent re building line - Group Development Housing for the Elderly 448

Housing Authority - Housing for the Elderly on South French Broad Avenue site plan approved 448

Hughes, Gary E. - appointed member of Board of Adjustment 461

Housing Authority - resignation of D. R. Moore 463

Housing Authority - appointment of W. M. Morgan 463

Housing Authority of the City of Asheville - amendatory cooperation agreement 466

HUD - application to for open space land 466

Horton, Phin. appointed City Manager 467

Haith, Lacy T. property - plat approved subject to review of Planning and Zoning Commission 472

A B C D E F G H

I J K L Mc M N O P Q R S T U V W X Y Z

FRONT

	PAGE
Irvin, Sam L. - proposal on behalf of CASE re community antenna cable television	29
Interstate 40 and 60 - Interchanges - City Manager requested to confer with Highway Commission	56
Investment Properties of Asheville, Inc. - request to close alley in Doctors' Park off Biltmore Avenue	58
Interstate Highways - billboards - resolution authorized	84
Interstate Highways - billboards - resolution	87
Inspection schedule - Housing Code	244
Inglewood Road - request to close and relocate portion	268
Interfaith Committee on Housing - statement re East Riverside Urban Renewal Project	366
Inglewood Road - protest by Dr. Rapoport about new road	375
Inglewood Road - discussion	384
Inglewood Road - report of City Manager on status of lots	386
Inglewood Road - cartway - discussion	438
Interior, Department of - Department of Outdoor Recreation - application for funds for Bee Tree Lake	472

PAGE

	PAGE
Johnson, Lessie - lease with for off-street parking lot	16
Johnson, Lessie - amendment to lease - off-street parking	**32**
Jones, Ira B. Jones Elementary School - recreation - proposal of Kiwanis Club	43
Jones, Ira B. Elementary School - recreation - petition opposing	45
Jones, Ira B. Elementary School - recreation - protest of Gracelynn Community Club	46
Jones, Ira. B. Elementary School - recommendation of Recreation Board re use of property	49
Junk automobiles - request of wrecker services	82
Junk automobiles - City Manager authorized to proceed	101
Junior Chamber of Commerce - request that North Pack Square be included in Civic Redevelopment Project N.C. R-13	132
Jones, Allmond H. Jr. - reappointed member of Boxing and Wrestling Commission	134
Jordan, J. Y., Jr. - reappointed member of Boxing and Wrestling Commission	134
Jones, Coleman - appointed by County Commissioners to Planning and Zoning Commission	189
Jackson, Robert - appointed member of Citizens Action Committee on Beautification and Clean-Up	257
Jarvis, Eugene - appointment as Assistant Chief of Police	282
Junk automobiles - ordinance regulating proposed	300
Jones, Allmond H. Jr. - reappointed member of Boxing and Wrestling Commission	330
Jordan, J. Y. Jr. - reappointed member of Boxing and Wrestling Commission	330
[illegible] Associates - [illegible] agreement with for [illegible]	[illegible]
Johnson's, Howard - site plan - hearing set	348
James, Don S. and Associates - report and recommendations re transit - White Transportation Co.	352
Johnson's, Howard - Site Plan - Hendersonville Road - Plan approved	365
Jersey Street (From Lot 163 to Lot 148) - paving authorized	399
Jersey Street - water problem	405
Jobs for the Handicapped - request for funds	441
Joyner, John C. - appointed member of Board of Directors of Vanderbilt Apartments	457
Jones, Ralph - appointed to Advisory Committee to City Manager, "City Center"	[illegible]

PAGE

	PAGE
Kiwanis Club - proposal - recreation - Ira B. Jones Elementary School	43
Kimberly Woods, Section 5 - plat approved under Subdivision Ordinance 424	50
King, J. Bertram - appointed member of Planning and Zoning Commission	92
Keleher, Michael F. - reappointed member of Asheville School Board	96
"Knollwood, Section Two" - plat approved under Subdivision Ordinance 424	144
King, J. Bertram - reappointed member of Planning and Zoning Commission	146
Kirby Place - paving authorized	153
King, J. Bertram - contract with [illegible] of Library	[illegible]
Keep Asheville Beautification Committee - report and recommendations	229
Keep Asheville Beautification Committee - propose ordinance re junk automobiles	300
Koon, Dr. E. Sease, Jr. - appointed member of Board of Examiners of Policemen's and Firemen's Pension and Disability Fund	317
Kern, Mrs. Charles R. - appointed member of Citizens Action Committee on Beautification and Clean-Up	346
King, J. Bertram - reappointed member of Planning and Zoning Commission	356
Kimball and Hill Aviation Corporation - proposal to lease property at Asheville Airport for fixed-base operation	374
Kimble and Hill Aviation Corporation - discussion of proposed lease	375
Kimble and Hill Aviation Corporation - lease (Asheville Airport, fixed base operation)	384
Kimble and Hill Aviation Corporation - amendment to lease (Asheville Airport)	394
Keep Asheville Beautiful Committee - propose new litter ordinance	414
Kern, Charles R. - appointed member of Advisory Committee to City Manager - Parking - City Center	473

	PAGE
License and Privilege Tax Ordinance - complaint of Harry Winner	1
Lookout Road, paving authorized	10
Lowell Street, paving authorized	10
Lee, Mrs. H. Kenneth - appointed member of Recreation Board for Asheville	13
Lynn Bar - Plat approved under Subdivision Ordinance 424	14
Lease - off-street parking lot - Lessie Johnson	1[illegible]
Lipinsky, Louis - reappointed member of Redevelopment Commission of the City of Asheville	31
Lease - amendment of lease - off-street parking - Lessie Johnson	32
Lease - Miller Printing Company - off-street parking	34
Libraries - report for 1963-64	35
Lee Street - paving authorized from Broad Street North to Hillside Street	45
Lennox Street - request be made two way request stay one way	45
Lennox Street - report of Director of Public Safety	47
Lease - off-street parking - J. A. Miller and wife and Charles W. Miller and wife	47
Lease - Carolina Power & Light Company - lake for recreation	47
Liberty Street, Oakley section - complaint re truck traffic	47
Lease - The Biltmore Company	48
Low-rent housing - resolution approving application for preliminary loan	53
Lipinsky, Louis - resignation as member of Redevelopment Commission of City of Asheville	54
Lease - property near Airport - Wilburn Associates, Inc.	64
Library Board - request for $1,600,000 for new facilities	64
Lease - amendment - A & H Flying Service, Inc. for additional property at Asheville Airport	66
Leisure Village - plat approved under ordinance 424	72
Lease - off-street parking (Fred Pearlman and wife, Louis B. Rifkin and wife, Page Company)	79
Leases - property owners fronting on lake owned by Carolina Power & Light Co. (steam generating plant)	79
League of Women Voters - invitation to attend meeting on School consolidation	79
Library survey - report presented	89
Library - report of Metropolitan Planning Board on Request for New Facilities	93
Low rent housing - resolution of city's cooperation under FHA regulations	101
Lease - Amendment - Off-street Parking - J. A. Miller and wife, and Charles W. Miller and wife	103
Leases - property owners fronting on lake owned by Carolina Power & Light Co. (steam generating plant	104
Lilac Street (from intersection with Smith's Alley to dead end) - paving authorized	121
Library Board - appointment of members (Miss Annie Westall, Anthony Lord	121
Lord, Anthony - appointed member of Library Board	121
Litter - clean-up - Asheville Garden Club	144
Lakeshore Garden Apartments - [illegible] - plat approved under Subdivision	[illegible]
Libraries - [illegible]	[illegible]
Louisiana Avenue - complaint re traffic	191
Louisiana Avenue - traffic - report of City Manager	1[illegible]
Lease - Metropolitan Sewerage District Board of Buncombe County, North Carolina - space in City Hall and services of accounting department	1[illegible]
Lease - Richard B. Loughran, as Trustee under the Will of Frank Loughran, - -off-street parking	1[illegible]
Loughran, Richard, as Trustee under the Will of Frank Loughran - lease of space for off-street parking	1[illegible]
Lease - United States of America, Federal Aviation Agency - space in Terminal Building at Airport	191
Lease - Arthur York and wife - Off-street parking	191
Lease - Edward W. Alfriend, IV. - western ground floor of Legal Bldg. for library purposes	[illegible]
Library - space leased in Legal Bldg.	[illegible]
L. S. & M. Building Company - [illegible] that property be annexed	[illegible]
Lease - property owner fronting Carolina Power & Light Company lake - Paul Braidbach	[illegible]
Library - [illegible] with J. Bertram Kin[illegible]	[illegible]
Lamar Dean Advertising - request to doubleface sign on Expressway - denied	202
"Lipe Property" - plat approved	202
Leases - off-street parking - Jerome Silverman and wife; and Mrs. Essie Silverman	203
Lease - property near Airport - Asheville Airport Motel, Inc.	205
Lease - Henry Harris and wife - off-street parking	212
Lease - William Ray Griffin and wife - off-street parking	227
Library - new - report of City Manager	228
Library - new - Greater Asheville Council to assist - City Manager authorized to make study	235
Low-rent Housing - resolution approving application for preliminary loan	245
Lease Amendment - William Ray Griffin and wife - off-street parking	249
Lease - Grace Cook Holcombe and husband, E. C. Holcombe - off-street parking	250
Low-rent housing - resolution authorizing amendment to cooperation agreement with Housing Authority	255
Lee, Mrs. Rita H. - appointed member of Recreation Board for Asheville	257
Land use plan - public transportation - thoroughfare plan - study authorized	261

PAGE

Library - new - report of Greater Asheville Council, Chamber of Commerce on Community Facilities 263

Leases - American Cab Company, Inc.; Charlotte Car & Truck Rental Co., Inc., doing business as Avis Rentacar; Brown Auto Sales, Inc., trading as National Car Rentals; Alice S. Duckett - relating to operations at Asheville Airport 265

Lowe Avenue - paving authorized 265

[illegible] Airport [illegible]

Lease Amendment - Asheville Airport - Delta Air Lines., Inc., Piedmont Aviation, Inc., And United Air Lines 278

Lee, Mrs. Kenneth - resignation as member of Recreation Board for Asheville 281

Lease - Mrs. Dorothy J. Dorsey - lake frontage - Carolina Power & Light Company lake 284

Leases to be prepared - off-street parking - Narvel J. Crawford; Bank of Asheville, Trustee of W. H. Anderson Estate; and A. G. Carver and McKenzie Estate 291

Library - request of E. P. McCarthy 295

Leases - off-street parking - Mrs. W. H. Anderson and The Bank of Asheville, as Co-Trustees under the Will of W. H. Anderson, Elizabeth A. Bourne and husband, Martha A. Taylor and husband, Mrs. Topping A. Bryan and husband; D. B. McKenzie and First Union National Bank, Co-Trustees under the Will of Henry G. McKenzie, and A. G. Carver and wife; and Narvel J. Crawford, Jr. 298

Lease - off-street parking - W. S. Harrison and wife 307

Lease - Haywood Plott - Carolina Power & Light Company - lake frontage 307

Lease - Amendment - A & H Flying Service, Inc. 312

Library Board - appointment of members (Walter R. McGuire and Mrs. Lawrence C. Stoker) 317

Lease - Wachovia Bank and Trust Company, Trustee - land fill 317

Land fill - lease for from Wachovia Bank and Trust Company, trustee 317

Lexington and Broadway - protest at being made one-way 318

Land Management - departmental budget request 323

Lexington and Broadway - protest at being made one-way 323

Library - new - report of Ad Hoc Citizens Committee - City Manager authorized to take administrative action to bring to referendum 352

Lease - off-street parking (Don C. Young and wife; Audrey Mendez and husband; William R. Travis and wife; Lena Lyle and husband; Hugh A. Travis and wife) 356

Lyle, Lena and husband; Don C. Young; Audrey Mendez; William R. Travis; Hugh A. Travis - lease - off-street parking 356

Lease - Norman C. Ramsey (lake frontage - Carolina Power & Light Co. steam generating plant) 364

Levees within city - TVA - city to cooperate 367

[illegible] 371

License plates - city - authorized 372

Lease proposed - fixed-base operation - Kimball and Hill Aviation Corporation 374

Lease - Kimble and Hill Aviation Corporation - discussion 375

PAGE

Lease - Kimble & Hill Aviation Corporation - fixed base operation (Asheville Airport) 384

Lease - off-street parking - W. M. [illegible] 394

Lease - McCormick Field by Civil Air Patrol [illegible]

Lease - amendment - Kimble & Hill Aviation Corporation (Asheville Airport) 394

Lawing, Ernest - request to use property on Deaverview Road as nonconforming use 401

Lease - Carolina Power & Light Co. - steam generating plant - Robert E. Liverett [illegible]

Liverett - Robert E. - lease for lake frontage - Carolina Power & Light Company steam generating plant [illegible]

Lake Julian - application to Bureau of Outdoor Recreation for funds for facilities [illegible]

Lease - off-street parking - Heart of Asheville Motel [illegible]

Litter ordinance proposed by Keep Asheville Beautiful Committee 414

Land Management Department - proposed merger with Parks and Recreation Department - discussion 417

Library - City Manager authorized to include branch library in East Riverside Urban Renewal project 420

Library, branch - request to install in Oakley area 426

Lease - Off-street parking - Mildred M. Noell 444

Local Government Commission - requested to set up funding schedule for East Riverside Urban Renewal project 445

Lease - Lake Julian - Mrs. C. M. Swicegood 459

Leppert, Frank T. - appointed member of Recreation Board 465

Lease - off-street parking - Frances Campion Rea [illegible]

Lewis, T. L. - appointed to Advisory Committee to City Manager, City Council [illegible]

Lovelace, W. L. - appointed member of Citizens Action Committee on Beautification and Clean-Up 473

	PAGE
McGuire, Earl E. Jr. - appointed member of Recreation Board for Asheville	13
McClain Street - paving authorized	153
McGuire, Earl E. Jr. - resignation a[illegible] Recreation Board for Asheville	209
McKenzie Estate - lease to be prepared - off-street parking	291
McKenzie D. B. and First Union National Ban[illegible] Co-Trustees under Will of Henry G. McKenzie [illegible] A. C. Carver and wife - lease - off-street par[illegible]	298
McCurry, Thomas D. - appointed member of Wage Review Board for the City of Asheville	299
McClarrin, Alice Hill, Sanford Brown, et als - report of City Manager on complaint	305
McMurray, William M. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	306
McGuire, Walter R. - appointed member of Library Board	317
McCurry, Thomas - appointed member of Citizens Advisory Committee	351
McCormick Field - lease of - Reds [illegible]	[illegible]
McCurry, Thomas O. - appointed member of Planning and Zoning Commission	397
McCoy, Miss Fannie - request regarding [illegible]	463
McKenzie, D. Bieman Sr. - appointed member of Redevelopment Commission	473

	PAGE
Metropolitan Planning Board - recommendation of Citizens' Advisory Committee re new Urban Renewal Project south of Hilliard Avenue	9
Murray Hill Road (between Fagg and Tiernan Streets), paving authorized	10
Metropolitan Sewerage District of Buncombe County - resolution of application for grant under Federal Water Pollution Control Act	12
Miller, Quentin R. - appointed member of Recreation Board for Asheville	13
Metropolitan Planning Board - approval of new Urban Renewal Project	14
Morris, Jarow - offer to purchase [illegible]	17
Manchester, Frederic A. - offer to operate Air Travel Insurance booth at Airport	29
Miller Printing Company - lease - off-street parking	34
Moser Plumbing Company - awarded plumbing contract - Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center	35
Manchester, Frederic A. and wife (a partnership) and John A. Duke Enterprises - contract to sell flight Insurance at Airport	35
Metropolitan Sewerage District of Buncombe County - agreement re collecting sewer charges, etc.	40
Miller, J. A. and wife, and Charles W. and wife - lease - off-street parking	47
Mineral Springs Road - petition to close and re-locate portion	55
Master Highway Transportation Plan for Metropolitan Asheville - Wilbur Smith and Associates to make further study	58
Merchant, Lawrence C. - appointed member of City of Asheville Board of Alcoholic Control	60
Mineral Springs Road - resolution setting date of public hearing on petition to close and relocate	64
Metropolitan Planning Board - requested to make study of library request for $1,600,000, and other new facilities, including Civic Arts Center, Coliseum, etc.	64
Municipal Board of Elections - appointment of members (G. Edison Hill, Eugene Coston, Irwin Monk)	71
Monk, Irwin - appointed member of Municipal Board of Elections	71
Metropolitan Sewerage District Board - appointment of member (George E. Dawson)	71
Mineral Springs Road - resolution closing portion and relocating same	71
Metropolitan Planning Board - Western North Carolina Regional Planning Commission - study of Community Facilities - discussion	81
Mosseller property, Chiles Avenue - report of City Manager	82
Municipal Board of Elections - certificate re petitions requesting vote on ordinance, fluoridation	88
Municipal Board of Elections - letter from - re petitions on fluoridation	89
Metropolitan Planning Board - report on Library Request for New Facilities	93
Miller, J. A. and Charles W. - amendment to lease for off-street parking	104
Murphy Teenage Center and Oakley Fire Station - City Manager authorized to advertise for bids for construction of	106
Maple Cove - petition requesting public hearing on plat approval	

	PAGE
Metropolitan Sewerage District of Buncombe County - [illegible]	
Metropolitan Sewerage District of Buncombe County - [illegible] City Manager	
[illegible]	
[illegible] Council	
Mayor - Earl W. Eller elected	113
Mulvaney, Frank M. - elected Vice-Mayor	113
Meeting of Council - weekly - time	113
Maple Cove - plat - discussion	122
Maple Cove - plat approved under Subdivision Ordinance 424	123
Motion Picture Operators - Board of Examiners (appointment of members - H. H. Jowers, S. E. Holland; G. L. Reed and C. H. [illegible] ex officio)	
Metropolitan Sewerage District Board - resignation of John W. Spicer as member	139
Metropolitan Sewerage District Board - appointment of member (Henry L. Baker)	140
Merrimon Avenue - trucks - complaint of Mrs. Guilka	141
Merrimon Avenue - substandard house - complaint of Mrs. Guilka	142
Metropolitan Planning Board - approval of North-South Expressway - Wilbur Smith and Associates - Valley-Central Areas	143
Metropolitan planning - protest of Miss McCoy	144
Munn, Clyde - request that portion of property in Happy Valley be annexed	147
Municipal Board of Elections - request to verify signatures on petition re [illegible] trol ordinance	153
Municipal Board of Elections - request to verify signatures on petition re [illegible] closing ordinance	153
Miller - Alvin - appointed member of Citizens Advisory Committee on Urban Renewal	158
Metropolitan Sewerage District Board of Buncombe County, North Carolina - agreement for lease of space in City Hall and accounting service by Accounting Department	164
Manchester, Frederick A. - appointed to Board of Directors - Vanderbilt Apartments, Inc.	167
Municipal Board of Elections - result of election - Dog Control Ordinance, Sunday Closing Ordinance	167
Merrimon Avenue - traffic - complaint	169
Metropolitan government, protest of Miss McCoy	170
Municipal Golf Course - new - report of City Manager - discussion	172
Morgan, Mrs. Clarence E. - expression of sympathy on death	176
Mobile Homes display - Sunday Closing law - interpretation requested	180
Miracle Mile Association - request re Tunnel Road - traffic	181
Moore, Governor - appointment arranged for discussion of traffic problems, Tunnel Road	185
Munn, Clyde - discussion re annexation of portion of Happy Valley	185

	PAGE
Meadow Road - request to close portion lying within property of Asheville Steel Co.	188
Metropolitan Sewerage District Board - appointment of member (C. LeRoy Robinson)	188
Meadow Road - resolution setting date of public hearing on request to close portion on property of Asheville Steel Co.	189
Meadow Road - resolution closing portion on property of Asheville Steel Co.	19[illegible]
Metropolitan Planning Board for Asheville and Buncombe County - authorized to enter into agreement with Corps of Engineers, Bureau of Yards and Docks - Community Shelter Program	204
Metropolitan government - protest of Miss McCoy	216
Miller, Quentin R. - reappointed member of Recreation Board for Asheville	224
Merrimon Avenue - widening - writ of Mayor authorized	229
Memorial Mission Hospital - offer of streets on grounds for dedication - accepted by city	233
Miller, J. Alfred - reappointed member of Redevelopment Commission	234
Memorial Mission Hospital - water rate established for	234
Moser Plumbing Co. - awarded heating contract - Oakley Fire Station-Community Center	242
Motion pictures - drunk drivers - Police Department - discussion	246
Metropolitan government - protest of Miss McCoy	253
Motion pictures - drunk drivers - report of Corporation Counsel - opinion of Attorney General	25[illegible]
Mass transit - land use plan - thoroughfare plan - study authorized	261
Miller Road - paving authorized	265
Mary Street - request to close	265
Municipal Board of Elections - recommendation of Wayne S. Montgomery for Republican member (Alan H. Shaw)	267
Metropolitan Sewerage District Board - appointment of member (Henry L. Baker)	268
Municipal Board of Elections - appointment of members (G. Edison Hill, Eugene Coston, Alan H. Shaw)	268
Municipal Golf Course - petition re membership	270
Municipal Golf Course - request of City Manager to establish (playing per [illegible])	27[illegible]
Metropolitan Planning Board - planning studies presented	273
Merrimon Avenue - traffic - complaint	280
Municipal Board of Elections - fluoridation petitions referred to	285
Municipal Board of Elections - report on fluoridation petitions	285
Municipal Board of Elections - fluoridation petitions referred to	292
Municipal Board of Elections - report on Fluoridation Petitions	297
Metropolitan Sewerage District Board - rates - Discussion	298
Metropolitan Sewerage District - sewer charge - ordinance to be prepared	306
Morris, William C. Jr. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	306
Metropolitan Sewerage District - service charge - water rates - discussion	307
Metropolitan Sewerage District - service charge - water rates - public [illegible]	[illegible]
Municipal Board of Elections - petitions - CATV - Thoms Broadcasting Companies, Inc.	321
Municipal Board of Elections - petitions certified -CATV - Thoms Broadcasting Company	325
Municipal Board of Elections - CATV - Thoms Broadcasting Company - election called	325
Mountainbrook Road - resolution accepting dedication as public street	326
Metropolitan Sewerage District - invitation to Council to tour new facilities	331
Municipal Board of Elections - fluoridation petitions referred to	333
Motion Picture Operators, Board of - members appointed (H. H. Bowen and L. B. Simmons - G. L. Beck ex-officio)	333
Municipal Board of Elections - additional fluoridation petitions referred to	339
Municipal Board of Elections - certification of additional fluoridation petitions - election called	341
Matthews, Dean Y. - appointed member of Citizens Action Committee on Beautification and Clean-Up	346
Mendez, Audrey and husband; Don C. Young and wife; William R. Travis and wife; Lena Lyle and husband; Hugh A. Travis and wife - lease - off-street parking	356
Metropolitan Sewerage District Board - discussion re plans for open house to view new plant	387
Money-Worth, Inc. - request that billiard hall ordinance be amended to include 62 Brook Street	398
Morrow Street - paving authorized	399
Metropolitan Sewerage District Board - appointment of member (George E. Dawson)	399
Mimosa Drive - discussion re obligation of City - strip	403
Money Worth, Inc. - request for extension of city limits	[illegible]
Memorial Mission, St. Joseph's, Aston Park - resolution commending joint fund raising effort	409
Miracle Mile Association - endorsement of auditorium, convention center, coliseum	414
Model - Demonstration - CITIES - Mayor authorized to file application for planning grant	420
Mayor's committee on student employment during summer - appointment	423
Montford-Richmond Community Club - request to improve trash collection	460
Moore, D. B. - resignation as member of Housing Authority	463
Morgan, W. M. - appointed member of Housing Authority	463
Miller, Murray A - appointed member of City Manager's Advisory Committee - Parking - City Center	473
Metropolitan government - protest of Miss McCoy	474

A B C D E F G H I J K L Mc M N O P Q R S T U V W X Y Z

FRONT

	PAGE
National Trans-Video, Inc. - proposed permit for cable television	2
National Trans-Video, Inc. - amendment to proposal for cable television	12
National Association of Housing and Redevelopment Officials - convention - report of Councilman Algary	48
North Carolina, State of - offered space in City Hall for use by Governor	71
North Carolina, State of - deed to authorized - Agricultural Livestock Center	95
Northwestern Bank - named depository for city funds	113
North Bear Creek Road (from Johnson Blvd. to Rash Road)	121
North-South Expressway - resolution of Civic Arts Council	122
North-South Expressway - discussion	131
North Carolina State Highway Commission - Memorandum of Understanding with City of Asheville, Buncombe County, Town of Biltmore Forest	132
North-South Expressway - Valley-Central Areas plan prepared by Wilbur Smith and Associates approved by Metropolitan Planning Board	145
North-South Expressway - Valley-Central Areas resolution approving plan prepared by Wilbur Smith and Associates	146
North Bear Creek Drive - paving authorized	165
North Fork Watershed - 225 acres set aside to Society of American Foresters for research	165
National Park Service - Request to encroach on Bee Tree Watershed	167
North Carolina League of Municipalities - suggestions of Councilman Algary	169
North Carolina League of Municipalities - Greensboro meeting - invitation to attend	195
North-South Expressway - Valley-Central Area - new study proposed by State Highway Commission	197
North Carolina League of Municipalities - Greensboro meeting	201
North-south freeway - discussion	225
North-south freeway - suggestion of Floyd Miles	229
Northrop Carolina Inc. - water rate established for	234
Nuisance complaint - Walter Zvoda, 123 Haywood Road	246
North Carolina League of Municipalities - notice re Annual Convention	247
North Bear Creek Road (beginning at the bridge north of Rash Road to Old County Home Road) - paving authorized	265
North-South Freeway - discussion - Report of City Manager	318
Noell, Mrs. Mildred - lease - off-street parking	387
North Carolina League of Municipalities - invitation to attend big city meeting	405
North Fork Dam - contract with Carolina Power & Light Co. for pumping	412
North Carolina State Highway - contract for maintenance of streets authorized cancelled	412
North Carolina Zoological Garden Study Commission - invited to meet in Asheville	456
North Carolina State Highway Commission - option with for purchase of certain rightsof-way	456
North Carolina Zoological Garden Study Commission - Asheville to be included in 1969 General Assembly report	472
Mrs. Mildred Nowell - [illegible] parking lease to be required	[illegible]
Noell, Mrs. Mildred - lease - off-street parking	444
New York Avenue - [illegible] date of public hearing [illegible] to close portion	[illegible]
[illegible]	[illegible]
New York Avenue - no action on proposed closing of portion	472

	PAGE
Off-Street Parking Lot - lease with Lessie Johnson	1[illegible]
Off-Street Parking Lot - amendment to lease with Lessie Johnson	32
Off-Street Parking Lot - amendment to lease with Miller Printing Co.	34
Off-Street Parking Lot - lease with J. A. Miller and wife and Charles W. Miller and wife	47
Off-Street Parking Lot - lease with Fred Pearlman and wife, Louis B. Rifkin and wife, and Page Company	79
Off-Street Parking - Amendment to lease with J. A. Miller and wife, and Charles W. Miller and wife	103
Ordinance requirement re electrical wiring waived - Broad River Processing Company	104
Oakley Fire Station and Murphy Teenage Center City Manager authorized to advertise for bids for construction of	104
Oaths of office - City Council	113
Oaths of office - City Manager, Corporation Counsel, City Clerk	113
Officials and employees - bonds	113
Off-street parking - Salvation Army - lease	121
Off-street parking - Citizens Express, Inc. - Lease	121
Old Sand Hill Road - request to close portion	122
Owen, Mrs. Charles D., Jr. - appointed member of Citizens Advisory Committee on Urban Renewal	158
Off-street parking - Richard Loughran, Trustee under the Will of Frank Loughran	164
Old Toll Road Extension - request to reopen	166
Opportunity Corporation, Inc. - appointment of City Manager to Board of Directors	170
Off-street Parking - lease with Arthur York and wife	191
Off-street Parking - leases with Jerome Silverman and wife, and Mrs. Essie Silverman	203
Off-street Parking - lease with Henry Harris and wife	212
Off-street Parking - lease with William Ray Griffin and wife	227
Oakley Fire Station - Community Center - City Manager authorized to advertise for bids for construction	234
Oakley Fire Station - Community Center - Bids	241
Oakley Fire Station - Community Center - resolution authorizing contracts for construction (Haywood Contracting Co., Asheville Plumbing & Heating, Moser Plumbing Co., M. B. Haynes Electric Co.)	242
Off-street Parking - amendment to lease with William Ray Griffin and wife	249
Off-street Parking - lease - Grace Cook Holcombe and husband, E. C. Holcombe	250
Off-street Parking - leases to be prepared - Narvel J. Crawford; Bank of Asheville, Trustee of W. H. Anderson Estate; and A. G. Carver and McKenzie Estate	291
Off-street parking - leases - Mrs. W. H. Anderson and The Bank of Asheville, as Co-Trustees under Will of W. H. Anderson, Elizabeth A. Bourne and husband, Martha A. Taylor and husband, Mrs. Topline A. Bryan and husband; D. B. McKenzie and First Union National Bank, Co-Trustees under Will of Henry C. McKenzie and A. G. Carver and wife; and Narvel J. Crawford, Jr.	298

	PAGE
Off-street parking - offer of Wachovia Bank & Trust Company, trustee under will of Tench C. Coxe to lease property on Battery Park Avenue	302
Off-street parking - lease - W. [illegible] Harrison and wife	[illegible]
[illegible]	[illegible]
Ochsenreiter, E. C. Jr. - reappointed member of Redevelopment Commission of City of Asheville	[illegible]
Off-Street parking - lease with Don C. Young and wife; Audrey Mendez and husband; William R. Travis and wife; Lena Lyle and husband; Hugh A. Travis and wife	[illegible]
Off-Street parking - lease with [illegible] and wife	[illegible]
Off-Street Parking - lease with Asheville Motel	[illegible]
OEO - City announces intention to take over	41[illegible]
OEO - objection to city take over by Mrs. William P. Daley	[illegible]
Ochsenreiter, Eugene Jr. - resigns as member of Redevelopment Commission	41[illegible]
Off-street parking - lease to be prepared with Mrs. Mildred M. Noell	[illegible]
Oakland Avenue - request to close portion	[illegible]
Oakley Community Center - "Open House" - invitation to attend	441
Oakland Avenue - resolution setting date of public hearing on petition to close portion	443
Off-street parking - lease - Mrs. Mildred M. Noell	444
Old Church Road - petition for paving	445
Oakland Avenue - portion closed	45[illegible]
Oakland Avenue request that portion be closed	[illegible]
Oakland Avenue - portion closed	[illegible]
Oakley Fire Station - use of - discussion	474

	PAGE
ORDINANCE NO. 498 AN ORDINANCE REPEALING SECTIONS 959 THROUGH 975, AS AMENDED, AS CONTAINED IN THE CODE OF THE CITY OF ASHEVILLE (1945), ALSO KNOWN AS ORDINANCE #298, AND ADOPTING A NEW HOUSING CODE OF THE CITY OF ASHEVILLE	
First Reading	
Second Reading	
Third Reading	2
ORDINANCE NO. 499 AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED	
First Reading	
Second Reading	
Third Reading	7
ORDINANCE NO. 500 INTERIM APPROPRIATION ORDINANCE	
First Reading	10
Second Reading	10
Third Reading	10
ORDINANCE NO. 501 AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, BY ADDING A NEW SECTION CREATING AN RA-M RESIDENTIAL DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN	
First Reading	13
Second Reading	16
Third Reading	18
ORDINANCE NO. 502 AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1964-65	
First Reading	16
Second Reading	29
Third Reading	30
ORDINANCE NO. 503 AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, SECTION 693 (C) OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE SO AS TO REQUIRE BLUE EMERGENCY SIGNAL LIGHTS ON VEHICLES OF THE POLICE DEPARTMENT ONLY	
First Reading	35
Second Reading	38
Third Reading	44
ORDINANCE NO. 504 AN ORDINANCE AMENDING ORDINANCE #310, ENTITLED "AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY	
First Reading	35
Second Reading	38
Third Reading	44
ORDINANCE NO. 505 AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY	
First Reading	42
Second Reading	42
Third Reading	42
ORDINANCE NO. 506 AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED	
First Reading	43
Second Reading	45
Third Reading	46
ORDINANCE NO. 507 AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED	
First Reading	48
Second Reading	49
Third Reading	51

	PAGE
ORDINANCE NO. 508 AN ORDINANCE DIRECTING THE POLICE OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 822 CHILES AVENUE OWNED BY DAISY [illegible] SELLER	
First Reading	
Second Reading	
Third Reading	
ORDINANCE NO. 509 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS	
First Reading	56
Second Reading	58
Third Reading	59
ORDINANCE NO. 510 AN ORDINANCE REPEALING ORDINANCE #490, AND ESTABLISHING A NEW TAXI-CAB RATE FOR THE CITY OF ASHEVILLE	
First Reading	58
Second Reading	60
Third Reading	63
ORDINANCE NO. 511 AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY	
First Reading	64
Second Reading	[illegible]
Third Reading	[illegible]
ORDINANCE NO. 512 AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED	
First Reading	69
Second Reading	[illegible]
Third Reading	[illegible]
ORDINANCE NO. 513 AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY	
First Reading	76
Second Reading	76
Third Reading	77
ORDINANCE NO. 514 AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, BY ADDING A NEW SECTION CREATING A RESTRICTED BUSINESS DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN	
First Reading	83
Second Reading	84
Third Reading	85
ORDINANCE NO. 515 AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED	
First Reading	89
Second Reading	93
Third Reading	93
ORDINANCE NO. 516 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS	
First Reading	89
Second Reading	93
Third Reading	94

First Reading 95
Second Reading 96
Third Reading 97

ORDINANCE NO. 517
AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 98
Second Reading 99
Third Reading 100

ORDINANCE NO. 518
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 105
Second Reading [illegible]
Third Reading [illegible]

REQUIRING ELIMINATION OF PUBLIC NUISANCE
SUPPLY HOMES THE DIRECTION AND SUPERVISION
OF HEALTH AND COUNTY NURSE [illegible]

ORDINANCE NO. 519
AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE
First Reading 115
Second Reading 115
Third Reading 115

ORDINANCE NO. 520
AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966
First Reading 120
Second Reading 126
Third Reading 129

ORDINANCE NO. 521
AN EMERGENCY ORDINANCE DELAYING THE EFFECTIVE DATE OF ORDINANCE #519 RELATING TO THE OPERATION OF AMBULANCES WITHIN THE CITY TO SEPTEMBER 1, 1965
First Reading 133
Second Reading 133
Third Reading 133

ORDINANCE NO. 522
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 134
Second Reading 135
Third Reading 137

ORDINANCE NO. 523
INTERIM APPROPRIATION ORDINANCE
First Reading 135
Second Reading 136
Third Reading 136

ORDINANCE NO. 524
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1965-66
First Reading 140
Second Reading 141
Third Reading 142

ORDINANCE NO. 525
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 146
Second Reading 147
Third Reading 149

ORDINANCE NO. 526
AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "SUNDAY BUSINESS"
First Reading 147
Second Reading 148
Third Reading 150

ORDINANCE NO. 527
AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE
First Reading 165
Second Reading 166
Third Reading 170

ORDINANCE NO. 528
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 167
Second Reading 171
Third Reading 172

ORDINANCE NO. 529
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 186
Second Reading 188
Third Reading 189

ORDINANCE NO. 530
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 191
Second Reading 191
Third Reading 192

ORDINANCE NO. 531
AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, SUCCESSOR TO THE NATIONAL BOARD OF FIRE UNDERWRITERS (1965 EDITION), AND APPROPRIATE LOCAL CHANGES THEREIN
First Reading 193
Second Reading 194
Third Reading 195

ORDINANCE NO. 532
AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY
First Reading 194
Second Reading 197
Third Reading 200

ORDINANCE NO. 533
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 204
Second Reading 205
Third Reading 206

ORDINANCE NO. 534
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 208
Second Reading 209
Third Reading 211

ORDINANCE NO. 535
AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1966 AND ENDING JUNE 30, 1967
First Reading 214
Second Reading 215
Third Reading 216

ORDINANCE NO. 536
AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY
First Reading 214
Second Reading 215
Third Reading 218

ORDINANCE NO. 537
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 223
Second Reading 223
Third Reading 224

ORDINANCE NO. 538
INTERIM APPROPRIATION ORDINANCE
First Reading 225
Second Reading 225
Third Reading 225

ORDINANCE NO. 539
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE YEAR 1966-67
First Reading 228
Second Reading 229
Third Reading 231

ORDINANCE NO. 540
AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES AND METER RENTAL
First Reading 228
Second Reading 229
Third Reading 232

ORDINANCE NO. 541
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 234
Second Reading 235
Third Reading 236

ORDINANCE NO. 542
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 238
Second Reading 241
Third Reading 243

ORDINANCE NO. 543
AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE
First Reading 244
Second Reading
Third Reading

ORDINANCE NO. 544
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 246
Second Reading 247
Third Reading 248

ORDINANCE NO. 545
AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE
First Reading 249
Second Reading 250
Third Reading 252

ORDINANCE NO. 546
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 259
Second Reading 261
Third Reading 262

ORDINANCE NO. 547
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 265
Second Reading 267
Third Reading 269

ORDINANCE NO. 548
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED
First Reading 2[illegible]
Second Reading 2[illegible]
Third Reading 2[illegible]

ORDINANCE NO. 549
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 278
Second Reading 280
Third Reading 282

ORDINANCE NO. 550
AN ORDINANCE GRANTING A FRANCHISE TO ASHEVILLE CABLEVISION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE
First Reading 280
Second Reading 281
Third Reading 283
Third Reading 2[illegible]

ORDINANCE NO. 551
AN ORDINANCE TO GOVERN, CONTROL AND PREVENT THE SALE, OFFERING FOR SALE, BARTER OR GIVING AWAY BABY CHICKENS, DUCKLINGS, OR OTHER FOWL, UNDER THREE WEEKS OF AGE, OR RABBITS UNDER TWO MONTHS OF AGE, AS PETS, TOYS, PREMIUMS OR NOVELTIES
First Reading 284
Second Reading 289
Third Reading 2[illegible]

ORDINANCE NO. 552
AN ORDINANCE ADOPTING NORTH CAROLINA STATE BUILDING CODE, VOLUME I, "GENERAL CONSTRUCTION", 1967 EDITION, WHICH REPLACES THE 1958 EDITION
First Reading 288
Second Reading 291
Third Reading 2[illegible]

ORDINANCE NO. 553
AN ORDINANCE AMENDING SECTION 18-7 OF THE ASHEVILLE CITY CODE, TO INCLUDE ARROWS SHOT BY BOWS
First Reading 289
Second Reading 291
Third Reading 2[illegible]

ORDINANCE NO. 554
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 299
Second Reading 300
Third Reading 301

ORDINANCE NO. 555
AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES, PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF
First Reading 302
Second Reading 302
Third Reading 304

ORDINANCE NO. 556
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 46 SOCO STREET AND OWNED BY ERNEST E. ABBOTT ET UX, MARY SUE ABBOTT
First Reading 303
Second Reading 305
Third Reading 308

PAGE

ORDINANCE NO. 557
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 176 SOUTH LIBERTY STREET AND OWNED BY ARNOLD R. HENSLEY ET UX, EILEEN HENSLEY
First Reading 303
Second Reading 305
Third Reading 306

ORDINANCE NO. 558
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 88 CENTRAL AVENUE AND OWNED BY C. J. METCALF ET UX, MINNIE M. METCALF
First Reading 303
Second Reading 305
Third Reading 309

ORDINANCE NO. 559
AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE FOR MINIMUM SIZE OF BEDROOM SPACE OF THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE
First Reading 310
Second Reading 313
Third Reading

ORDINANCE NO. 560
AN ORDINANCE ADOPTING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF ASHEVILLE ON BEHALF OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA
First Reading 310
Second Reading 313
Third Reading

LEVYING [illegible] THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR [illegible]
First Reading 316
Second Reading
Third Reading 318

ORDINANCE NO. 562
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 317
Second Reading 320
Third Reading 322

ORDINANCE NO. 563
AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS
First Reading 322
Second Reading 325
Third Reading 327

ORDINANCE NO. 564
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 369 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN CO.
First Reading 322
Second Reading 326
Third Reading 328

ORDINANCE No. 565
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY
First Reading 323
Second Reading 326
Third Reading 328

ORDINANCE NO. 566 - AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA STREET AND OWNED BY BUILDERS SAVINGS LOAN CO.
First Reading 323
Second Reading 326
Third Reading 329

ORDINANCE NO. 567
AN ORDINANCE REGULATING THE SALE AND DELIVERY OF BEER AND WINE ON SUNDAY
First Reading 325
Second Reading 330
Third Reading 331

PAGE

ORDINANCE NO. 569
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 128 AND 128½ BILTMORE AVENUE AND OWNED BY ARTHUR LAWRENCE PHYSIOC
First Reading 332
Second Reading
Third Reading

ORDINANCE NO. 568
INTERIM APPROPRIATION ORDINANCE
First Reading 332
Second Reading 332
Third Reading 332

ORDINANCE NO. 570
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 122 PINE STREET AND OWNED BY THE HEIRS AT LAW AND NEXT OF KIN OF NANNIE MARTIN, DECEASED
First Reading 333
Second Reading
Third Reading

ORDINANCE NO. 571
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading
Second Reading
Third Reading

ORDINANCE NO. 572
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1967-68
First Reading 340
Second Reading 346
Third Reading 349, 350

ORDINANCE NO. 573
AN ORDINANCE AMENDING ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED
First Reading 350
Second Reading 352
Third Reading 366

ORDINANCE NO. 574
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 363 HAYWOOD ROAD AND OWNED BY PHILIP G. SHEHAN, WILLIAM H. STEWART, SARAH S. HEINE AND WILLIAM M. SHEHAN
First Reading 352
Second Reading 355
Third Reading 357

ORDINANCE NO. 575
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 233 AND 233½ FLINT STREET AND OWNED BY WILLIE THOMAS CARR AND AMANDA THOMPSON
First Reading 352
Second Reading 355
Third Reading 358

ORDINANCE NO. 576
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 89 POPLAR STREET AND OWNED BY ROBERT M. HENDRICK
First Reading 353
Second Reading 355
Third Reading 358, 359

PAGE

ORDINANCE NO. 577
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 81 CULVERN STREET AND OWNED BY SAMUEL C. BUCKNER AND ARNOLD C. BUCKNER, HEIRS AT LAW OF BELLE CANSADIA BUCKNER, DECEASED
First Reading 353
Second Reading 355
Third Reading 359,360

ORDINANCE NO. 578
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 TUSKEEGEE STREET AND OWNED BY W. HORACE DENTON AND WIFE, MARGARET DENTON
First Reading 353
Second Reading 355
Third Reading 360,361

ORDINANCE NO. 579
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 135 POPLAR STREET AND OWNED BY GLADYS PHARR AND STELLA CARTER
First Reading 353
Second Reading 355
Third Reading 361

ORDINANCE NO. 580
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 BAXTER ALLEY AND OWNED BY LOUISE EVANS BELIN
First Reading 353
Second Reading 356
Third Reading 361,362

ORDINANCE NO. 581
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 57 BLACK STREET AND OWNED BY SARAH BOOKER
First Reading 353
Second Reading 356
Third Reading 362,363

ORDINANCE NO. 582
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BYILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 59-61 BLACK STREET, 67 BLACK STREET AND 60 GREENROW ALLEY OWNED BY JERUSHA TILLMAN McMURRAY
First Reading 353
Second Reading 356
Third Reading 363,364

ORDINANCE NO. 583
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 364
Second Reading 367
Third Reading 369

ORDINANCE NO. 584
AN ORDINANCE REQUIRING REGISTRATION OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE
First Reading 373
Second Reading 374
Third Reading 375,376

ORDINANCE NO. 585
AN ORDINANCE AMENDING ORDINZNCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 373
Second Reading 374
Third Reading 377,378

PAGE

ORDINANCE AUTHORIZING $4,0[illegible] AUDITORIUM BONDS
First Reading
Second Reading
Third Reading
To take effect when approved by the voters
FOR 7454 AGAINST 5185

ORDINANCE AUTHORIZING $1[illegible] REDEVELOPMENT BONDS
First Reading
Second Reading
Third Reading
To take effect when approved by the voters
FOR 6616 AGAINST 5374

ORDINANCE AUTHORIZING $1,30[illegible] CIVIC ARTS
First Reading
Second Reading
Third Reading
To take effect when approved by the voters
FOR 6564 AGAINST 5464

ORDINANCE NO. 586
AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE TRANSIT AUTHORITY
First Reading
Second Reading
Third Reading

ORDINANCE NO. 587
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 390
Second Reading 396
Third Reading 396

ORDINANCE NO. 588
AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS
First Reading
Second Reading
Third Reading

ORDINANCE NO. 589
AN ORDINANCE EXTENDING CORPORATE LIMIT OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY
First Reading
Second Reading
Third Reading 408,409

ORDINANCE NO. [illegible]
AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL [illegible] EDITION
409
410

ORDINANCE NO. 591
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY of ASEHEVILLE, AS AMENDED
First Reading 411
Second Reading 413
Third Reading 415

ORDINANCE NO. 592
AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS
First Reading 419
Second Reading 421
Third Reading 424

ORDINANCE NO. 593
AN ORDINANCE RELATING TO THE CONTROL OF LITTER IN THE CITY OF ASHEVILLE
First Reading 419
Second Reading 421
Third Reading 424,425

PAGE

ORDINANCE NO. 594
AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE
First Reading 422
Second Reading 425
Third Reading 427-435

ORDINANCE NO. 595
AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME
First Reading 422
Second Reading 425,426
Third Reading 436-437

ORDINANCE NO. 596
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED
First Reading 426
Second Reading 437
Third Reading 438, 439

ORDINANCE NO. 597
AN ORDINANCE AMENDING SECTION 37-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES
First Reading 439
Second Reading 441
Third Reading 444,445

ORDINANCE NO. 598
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading
Second Reading
Third Reading

ORDINANCE NO. 599
AN ORDINANCE CODIFYING THE REQUIREMENTS PERTAINING TO BUILDING PERMITS UNDER THE PROVISIONS OF THE N. C. STATE BUILDING CODE, 1967 EDITION AND THE N. C. UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION AND REGULATING BUILDING PERMIT FEES UNDER THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160-200 (29) FOR THE CITY OF ASHEVILLE, NORTH CAROLINA
First Reading 449
Second Reading 449
THIRD Reading 451, 452, 453

ORDINANCE NO. 600 -
AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "Signs"
First Reading 449
Second Reading 450
Third Reading 453

ORDINANCE NO. 601
AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969
First Reading 449
Second Reading 450
Third Reading 453, 454 455, 456

ORDINANCE NO. 602
INTERIM APPROPRIATION ORDINANCE
First Reading 462
Second Reading 462
Third Reading 462

ORDINANCE NO. 603
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED
First Reading 464
Second Reading 465
Third Reading 468

PAGE

ORDINANCE NO. 604
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69
First Reading 467
Second Reading 468
Third Reading 470, 471, 472

ORDINANCE NO. 605
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 475,476
Second Reading
Third Reading

	PAGE
Planning and Zoning Commission - recommendation re Zoning Ordinance (Apartment House District and other revisions)	1
Petition - requesting vote on Housing Code	8
Plat approved - "A Portion of the property of the Hildebrand Estate" - under Subdivision Ordinance 424	8
Planning and Zoning Commission - recommendation (Vaillancourt property, Leicester Highway)	9
Planning and Zoning Commission - recommendation (Lot 58½, Sheet 10, Haw Creek, Estate of R. W. Johnson)	9
Paving authorized - Lookout Road, Lowell Street, Shannon Drive, Stoner Road, White Pine Drive, Upland Road, Murray Hill Road (between Fagg and Tiernan Streets), and Debra Lane	10
Planning and Zoning Commission - zoning amendment requested (Lots 91, 92, Sheet 11, Ward 2, Mary Jane Pegram)	11
Petition - improved water service, Woodmount Drive	11
Permit to operate Loop Buses - request of Central Asheville Association, Bryson Bus Lines - granted	11
Petition - by taxicab companies for increase in rates	12
Plat approved - "Lynn Bar" - under Subdivision Ordinance 424	14
Planning and Zoning Commission - approval of new Urban Renewal Project	14
Petition - property on Chiles Avenue	15
Petition - close alley off Mildred Place	18
Planning and Zoning Commission - recommendation re Lot 91, Sheet 11, Ward 2 (Mary Jane Pegram)	18
Planning and Zoning Commission - recommendation re zoning territory annexed by Ordinance 499 (Biltmore section)	18
Planning and Zoning Commission - recommendation re Lot 91, Sheet 11, Ward 2 - upheld by City Council	32
Planning and Zoning Commission - request for rezoning (Town Mountain Road area)	32
Petition - for two-way traffic on South Market Street	32
Planning and Zoning Commission - petition for rezoning (Lots 4½, Sheet 4, Ward 2, Merrimon & Hillside - Giezentanner)	34
Pack Memorial Library - report for 1963-64	35
Petition - Wilshire Park - deed restrictions - zoning	36
Petition - annexation - property between Johnson Boulevard and Deaverview Drive	36
Planning and Zoning Commission - recommendation (Lots 101, 102, 103, 284, 104, 104-1/2 and 285, Ward 3, Sheet 2, and Lots 62 and 63, Ward 3, Sheet 13)	36
Planning and Zoning Commission - recommendation - property between Town Mountain Road and RA-M Residential District	36
Planning and Zoning Commission - recommendation - Lot 4-1/2, Sheet 4, Ward 2	37
Plat approved - Tunnel Road Shopping Center - under Subdivision Ordinance 424	37
Paving authorized - Arco Road Extension (between Governor's View Road and Hillside Road), Beaver Point Circle, Brooklyn Road (between West Chapel Road and Shiloh Road), Devonshire Place, Lee Street (from Broad Street north to Hillside Street), and Worley Place	45
Petition - protesting use of Ira B. Jones Elementary School property for recreation	45
Planning and Zoning Commission - request for rezoning (Lot 3½, Sheet 20, Ward 6, Hoyle A. Sellers)	...
Public Safety Director - report on Lennox Street	...
Pickard, Mrs. Almeda - reappointed as member of Board of Directors of Buncombe County Planning Council	...
Planning and Zoning Commission - zoning amendment requested (area generally bounded by Colonial Place, Mt. Vernon Circle, Larchmont Street and Horizon Hill)	...
Plat approved - "Kimberly Woods, Section 5" - under Subdivision Ordinance 424	...
Plat approved - "An Amendment to Map of R. P. Booth Property" - under Subdivision Ordinance 424	...
Plat approved - Springtime Subdivision - under Subdivision Ordinance 424	...
Planning and Zoning Commission - recommendation re property annexed by Ordinance 505 (Governor's area)	50
Planning and Zoning Commission - zoning amendment requested (Lot , Sheet 20, Ward , James S. Sluder)	...
Printz, Mrs. Don R. - resignation as member of Asheville School Board	...
Pennell, Mrs. William T. - appointed member of Asheville School Board	52
Planning and Zoning Commission - appointment of member (J. Bertram King)	52
Petition - requesting closing and relocating portion of Mineral Springs Road	55
Planning and Zoning Commission - zoning amendment requested (Lots 72, 29½, 56, 29, 29½, 29-3/4, 31½, Haw Creek Ward, Sheet 34, Alexander Investment Company and others)	55
Pool Room Ordinance - request for amendment	55
Planning and Zoning Commission - recommendation (Alexander Investment Company and others, Tunnel Road)	57
Planning and Zoning Commission - recommendation (Lot 65, Sheet 20, Ward 6, James Sluder)	57
Planning and Zoning Commission - zoning amendment requested (Intersection of Louisiana and New Patton Ave.)	58
Plan, site - Doctors' Park - approved	58
Playground site - purchase authorized (Swain property, North section of city)	62
Planning and Zoning Commission - zoning amendment requested (Lot 142, Sheet 17, Haw Creek Ward - G. W. Metcalf)	63
Planning and Zoning Commission - zoning amendment requested (Lots 409, 410, 411, Sheet 6, Ward 9, Mrs. Dell Pothier)	63
Parkins, Ivan W. - appointed member of Housing Authority	63
Playground site - Swain property - resolution authorizing purchase and execution of note and deed of trust	64

PAGE

Plat approved under Subdivision Ordinance 424 - Cedar Knoll Subdivision 65

Planning and Zoning Commission - protest re rezoning of Lot 65, Sheet 20, Ward 6, property of James S. Sluder 65

Planning and Zoning Commission - zoning amendment requested (Shorewood Drive) 68

Plat approved - under Subdivision Ordinance 424 (Section 1, Echo Hills) 69

Planning and Zoning Commission - amendment requested to zoning ordinance - Lot 126, Sheet 20, Ward 8 - (Britt & Tilson Co. and C. A. Young) 70

Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 218, Sheet 11, Ward 5 - Reed Hawkins) 70

Planning and Zoning Commission - amendment requested to zoning ordinance - size of signs in Neighborhood Trading and Roadside Business Areas 71

Plat approved - "Westwood" - under Ordinance 424 72

Plat approved "Leisure Village" - under Ordinance 424 72

Planning and Zoning Commission - recommendation re Zoning Ordinance (Lot 6, Ward 1, Sheet 3, L. C. Young) 72

Planning and Zoning Commission - recommendation re Zoning Ordinance (Lot 126, Sheet 20, Ward 8, Britt & Tilson Co. and C. A. Young) 72

Planning and Zoning Commission - recommendation re Zoning Ordinance (Lots 409, 410, 411, Sheet 6, Ward 9, Mrs. Dell Pothier) 73

Planning and Zoning Commission - recommendation re Zoning Ordinance (Shorewood Road and Lakeshore Drive) 73

Planning and Zoning Commission - recommendation re Zoning Ordinance (Lots 63-1/4, 70-1/4, 63, part of Lots 70-1/2 and 86, Sheet 17, Ward 6 - G.-K, Inc.) 73

Planning and Zoning Commission - recommendation re Zoning Ordinance (Lot 142, Sheet 17, Haw Creek, G. W. Metcalf) 74

Planning and Zoning Commission - recommendation re Zoning Ordinance (property annexed by Ordinance 511) 74

Planning and Zoning Commission - recommendation re RESTRICTED BUSINESS DISTRICT 74

Planning and Zoning Commission - recommendation re Zoning Ordinance - Chester Cogburn and Wesley Vrable, near Malvern Hills) 76

Planning and Zoning Commission - recommendation re Zoning Ordinance (Mrs. Bertha Shook Rymer, W. P. Croom - Arco Road) 77

Pickard, Mrs. Almeda - resignation as member of Buncombe County Planning Council 77

Pearlman, Fred and wife, Louis B. Rifkin and wife, Page Company - lease for off-street parking 79

Page Company, Fred Pearlman and wife, Louis B. Rifkin and wife - lease for off-street parking 79

Policemen - wage increase 79

Planning and Zoning Commission - amendment requested to zoning ordinance (Leicester Highway, Z. R. Sheppard and others) 80

Planning and Zoning Commission - amendment requested to zoning ordinance (Deaverview Road, Malvern Finance and Sales Corporation) 80

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 127, 129, 139, 131, Sheet 20, Ward 8 - Homer S. Robinson) 81

PAGE

Planning and Zoning Commission - Council to inspect site of proposed shopping center near Malvern Hills 81

Property reappraisal - Board of Tax Supervision - discussion 81

Planning and Zoning Commission - recommendation (Portion of Happy Valley recently annexed) 82

Planning and Zoning Commission - recommendation (Lot 218, Sheet 11, Ward 5 - Reed Hawkins) 82

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 133, 134 and 135, Haw Creek Ward, Sheet 20, R. L. Bailey) 83

Planning and Zoning Commission - amendment requested to zoning ordinance (Perry A. Dillingham property, School Road) 83

Pool room - request for establishment on Merrimon Avenue 84

Petitions - asking enactment of ordinance on fluoridation or election 88

Petitions - asking for election on fluoridation 88

Police Department - extra patrol in downtown at night 89

Planning and Zoning Commission, amendment requested to zoning ordinance (Lot 36, Sheet 11, Ward 8 and Lot 130, Sheet 10, Ward 8 - J. Baker McCallagh) 90

Planning and Zoning Commission - amendment requested to zoning ordinance (Certain lots bordering on Patton Avenue (Ward 6, Sheet 14 - Joe C. Harrison and others) 90

Planning and Zoning Commission - recommendation (Perry A. Dillingham property, School Road) 90

Planning and Zoning Commission - recommendation (Lots 133, 134 and 135, Sheet 20, Ward 8 - R. L. Bailey) 90

Planning and Zoning Commission - recommendation (Leicester Highway, Z. R. Sheppard and others) 91

Planning and Zoning Commission - recommendation (Lots 5, 6 and 7½, Sheet 19, Ward 6 - Malvern Finance and Sales Corporation) 91

Planning and Zoning Commission - recommendation (Lots 127, 128, 129, 130 and 131, Sheet 20, Ward 8 - Homer S. Robinson) 91

Planning and Zoning Commission - recommendation (Lot 126, Ward 8, Sheet 20, Britt and Tilson Glass Company and C. A. Young) 92

Planning and Zoning Commission - recommendation (Setback, commercial, Business and Industrial, and elimination of numbers in Section 19 - Definitions) 92

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 133, 134, 135, Haw Creek Ward, Sheet 20 - R. L. Bailey 99

Planning and Zoning Commission - recommendation - Lot 6, Ward 1, Sheet 3, and Lots 7, 7½, and 8, Ward 1, Sheet 3, and portion of Lot 2, Ward 2, Sheet 19 - L. C. Young 99

Planning and Zoning Commission - recommendation - Lot 36, Sheet 11, Ward 8 - J. Baker McCullah 100

PAGE

Planning and Zoning Commission - recommendation - Lots 103, 104, 105, 106, 107, 125, 126, and 128, Sheet 14, Ward 6, Harrison and others 100

Primary Election - Result 102

Police Department Annual Report 104

Petition - request for public hearing re Plat [illegible] Cove [illegible]

Petition - traffic pattern - Patton Ave. [illegible] S. Tillman [illegible]

Planning and Zoning Commission - recommendation [illegible] 116, Ward 8, Sheet [illegible] (Lots [illegible] Britt) 107

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot [illegible] Sheet [illegible] Ward 4 - Hyman Dave) [illegible]

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Grove Street between Patton Avenue and Hilliard Avenue) 110

Planning and Zoning Commission - amendment requested to zoning ordinance (Charlotte Street, between Orchard and Clayton 114

Following petitions received - North Bear Creek Road, Rash Road, Talmadge Court and Talmadge Extension, Lilac Street, Smith Alley, Carrier Place, Short Shiloh Street, and Beaver Point Circle 121

Paving authorized - North Bear Creek Road, Rash Road, Talmadge Court and Talmadge Extension, Lilac Street, Smith Alley, Carrier Place, Short Shiloh Street, and Beaver Point Circle 121

Planning and Zoning Commission - recommendation (Lot 4, Sheet 11, Ward 6, R. P. Ingle) 122

Planning and Zoning Commission - recommendation (Charlotte Street between Orchard and Clayton) 123

Planning and Zoning Commission - recommendation (Grove Street between Patton and Hilliard) 123

Planning and Zoning Commission - recommendation - signs (Neighborhood Trading and Roadside Business) 123

Planning and Zoning Commission - recommendation (Changes and Amendments Section) 124

Planning and Zoning Commission - recommendation (Lots 82, 82½, 81, Sheet 3, Ward 4 - Hyman Dave) 125

Planning and Zoning Commission - recommendation to remove Buncombe County from exemption, State Subdivision Act 125

Plat approved under Subdivision Ordinance 424 125

Planning and Zoning Commission - Board of Adjustment - appointment of members (Herschel Markins, William Adams, Jr., John Acee, W. T. Duckworth, Jr. and Gary E. Hughes) 126

Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 116, Sheet 21, Haw Creek - R. L. Coleman Company) 128

Planning and Zoning Commission - recommendation - Site Plan - Asheville Apartments 128

Petition - protesting expanding of facilities of Felkel Oil Company 131

Planning and Zoning Commission - proposed amendment zoning ordinance - signs, Neighborhood Trading and Roadside Business - action deferred 134

Planning and Zoning Commission - proposed amendment (Changes and Amendments Section) - action deferred 135

PAGE

Property sales - policy of Council re real estate commissions - Urban Renewal property [illegible]

Planning and Zoning Commission - [illegible] requested to zoning ordinance (Deaverview Road, Al Rodgers) [illegible]

Planning and Zoning Commission - [illegible] required for amending zoning ordinance [illegible]

Police Court - appointment of Special Recorder Judge (Narvel J. Crawford) [illegible]

Planning and Zoning Commission - recommendation (Deaverview Road, Al Rodgers) 137

Planning and Zoning Commission - recommendation (Lot 116, Sheet 21, Haw Creek, R. L. Coleman) 137

Planning and Zoning Commission - recommendation (2nd) - Lot 116, Sheet 21, Haw Creek 139

Planning and Zoning Commission - recommendation (2nd) - Deaverview Road, Al Rodgers 139

Petition - requesting closing of former location of Scenic Highway or Town Mountain Road 141

Petitions - fluoridation (Black Mountain section) 143

Plat approved - "Happy Valley, Section Two" - under Subdivision Ordinance 424 144

Plat approved - "Knollwood, Section Two" - under Subdivision Ordinance 424 144

Plat approved - " Property of Elmer Carter"- under Subdivision Ordinance 424 145

"Property of Elmer Carter" - plat approved under Subdivision Ordinance 424 145

Petition - Businesses on Tunnel Road re relief of traffic congestion 145

Planning and Zoning Commission - appointment of members (Anthony Redmond, James M. Coleman, Hugh M. Felder, Harry Atkins, J. Bertram King) 146

Planning and Zoning Commission - request for amendment to Zoning Ordinance (Unity Center of Asheville - McDowell St.) 147

Petitions - opposing Sunday closing 148

Petitions - opposing CATV by radio & antenna companies 148

Planning and Zoning Commission - request for amendment to zoning ordinance (J. D. Baker, Governor's View Road) 149

Plat, Lakeshore Garden Apartments - approved under Subdivision Ordinance [illegible]24 [illegible]

Planning and Zoning Commission-discussion of J. D. Baker request [illegible]4

Planning and Zoning Commission - recommendation re request of Unity Center of Asheville, McDowell St. 151

Petitions - asking for dog control ordinance or submission of same to vote 152

Paving authorized - William Street, Cub Road, Cub Place, Kirby Place and McClain St. 153

Petitions - asking for repeal of Ordinance 526 (Sunday closing), or submit to vote 153

Planning and Zoning Commission - amendment requested to Zoning Ordinance - Lot 165, Sheet 2, Ward 4 (Electric Supply Company) 154

Petition - request to close portion of unopened alley leading off Oakley Road 154

PAGE

Planning and Zoning Commission - amendment to zoning ordinance requested (Lots 45 and 46, Sheet 11, Ward 8, First Union National Bank) 156

Planning and Zoning Commission - amendment to zoning ordinance requested (Lot 192, Sheet 13, Ward 8 - Humble Oil & Refining Company) 156

Pearson, Douglas - appointed member of Citizens Advisory Committee on Urban Renewal 158

Police Department - Civil Service - Rules and Regulations amended (Age Requirement) 159

Planning and Zoning Commission - recommendation (Lot 165, Sheet 2, Ward 4, Electric Supply Co.) 162

Planning and Zoning Commission - recommendation (Lot 251, Sheet 13, Ward 8, Mr. & Mrs. J. D. Baker) 162

Planning and Zoning Commission - recommendation (Lots 45 & 46, Sheet 11, Ward 8 - Estate of R. W. Johnson) 162

Planning and Zoning Commission - recommendation (Lot 192, Sheet 13, Ward 8 - Humble Oil & Refining Co.) 163

Plat - A portion of Happy Valley - approved Under Subdivision Ordinance 424 163

Plan - Site - "Asheville Arms" - notice of public hearing approved 164

Plan - Site - "Apartment Development, Parkway Mortage Company" - public hearing approved 163

Paving authorized - North Bear Creek Drive and Friendly Hollow Road 165

Planning - protest of Miss McCoy 170

Planning and Zoning Commission - recommendation re revision of Subdivision 170

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 103, 104, Sheet 14, Ward 6) 170

Planning and Zoning Commission - request of Board of County Commissioners (extend zoning 1 mile beyond city limits) 179

Planning and Zoning Commission - recommendation (Lots 103, 104, Sheet 14, Ward 6, Joe C. Harrison) 173

Planning and Zoning Commission - recommendation (Extraterritorial zoning and related enforcement controls) 173

Parking Garage - city authorized to execute deed of trust to facilitate construction of 176

Planning and Zoning Commission - recommendation (fee for zoning request and reasonable time limit on frequency of submitting requests) 176

Planning and Zoning Commission - amendment requested to zoning ordinance (Marcellus Street north of Expressway and west of Merrimon Avenue) 177

Planning and Zoning Commission - resolution of Asheville Board of Realtors supporting recommendation to extend zoning one mile 177

Plat - Echo Hills, Extension, Section 2 - approved 177

Planning and Zoning Commission - resolution of Council to set date of public hearing to consider zoning 1 mile outside city limits 178

Planning and Zoning Commission - discussion of zoning 1 mile outside city limits 180

Plat - Rolling Green - approved under Ordinance 424 180

Phillips, Robert F. - appointed Commissioner Number Four of Sinking Fund Commission 181

PAGE

Planning and Zoning Commission - recommendation - day nurseries and kindergartens, and clarification of front and requirements on through street 183

Planning and Zoning Commission - recommendation requested to zoning ordinance (Riverside Drive) 183

Planning and Zoning Commission - recommendation (Lots 361, 363, 365, ... Sheet 14, Ward 6 - above Sky City) 183

Planning and Zoning Commission - recommendation - public hearing - ... Planning and Zoning decision to proceed with study 183

Planning and Zoning Commission - recommendation re P. Steiner to zoning outside city 183

Planning and Zoning Commission - recommendation - Marcellus, Maxwell, Bordeaux Place & Magnolia 183

Planning and Zoning Commission - recommendation (Marcells, Maxwell and Bordeaux Streets) 184

Planning and Zoning Commission - resolution requesting County Board of Commissioners to appoint members under GS 160-181.2 185

Plat (revised) entitled "Springtime" - approved under Ordinance 424 187

Planning and Zoning Commission - amendment requested to zoning ordinance (Riverside Drive) 188

Planning and Zoning Commission - resolution of County Commissioners appointing members (Joe A. Pless, W. Herbert DeWeese, E. B. Roberts, Coleman Jones, and William C. Sayre) 189

Pless, Joe A. - appointed by County Commissioners to Planning and Zoning Commission 189

Planning and Zoning Commission - amendment requested to zoning ordinance (67 lots fronting on Amboy Road - Scott Dillingham) 189

Petition - bus service and fire hydrants (Hi Alta, Appalachian Way, Deaverview Road, Huffman Road, Lakeside Drive) 192

Planning and Zoning, Board of Adjustment - resignation of Herschel Harkins 194

Planning and Zoning, Board of Adjustment - appointment of member - Herbert A. Wallace 194

Planning and Zoning Commission - recommendation (Lots 361, etc., above Sky City) 195

Planning and Zoning Commission - recommendation - portion of Riverside Drive 199

Planning and Zoning Commission - recommendation (67 lots fronting on Amboy Road - Scott Dillingham) 199

Planning and Zoning Commission - amendment requested to zoning ordinance - Permit museum, art gallery, park, etc. in RA-8 Residential (Seeley's Castle - Sternberg) 201

Planning and Zoning Commission - amendment requested to zoning ordinance - property on Clingman near intersection of Patton (R. S. Dillard, Jr., Agent) 202

Police Department - Annual Report 202

Plat - "Lipe Property" approved 202

Public Works - resignation of Charles W. Dermid as Director 203

Public Works - appointment of Philip C. Cocke, Jr. as Director 203

Public Works - appreciation to Charles W. Dermid 204

PAGE

Planning and Zoning Commission - recommendation (67 lots fronting on Amboy Road - request of Scott Dillingham) 204

Planning and Zoning Commission - recommendation (Clingman Avenue - R. S. Dillard, Jr., Agent) 205

Planning and Zoning Commission - amendment to zoning ordinance requested (North Louisiana Avenue from Patton Avenue to Hazel Mill Road) 207

Planning and Zoning Commission - recommendation re Seeley's Castle - Sternberg 208

Plat approved - "Property of Fletcher Parham" 209

Property of Fletcher Parham" - plat approved 209

Plat approved - "Property of Asheville Gospel Chapel Association, Inc. 211

"Property of Asheville Gospel Chapel Association, Inc. - plat approved 211

Petition - Door-Openers - request aids to eliminate architectural barriers for physically handicapped 212

Planning and Zoning Commission - request for amendment to zoning ordinance (Beaver Point Park) 212

Planning and Zoning Commission - request for rezoning (Lot 1¼, Sheet 3, Biltmore, Lynn Corporation) 213

Planning and Zoning Commission - recommendation (North Louisiana between Patton Avenue and Hazel Mill Rd.) 213

Planning and Zoning Commission - recommendation (property in Haw Creek - Clyde Munn - annexed by Ordinance 532) 213

Plat "Resubdivision of Lot 7, Hillside Terrace" - approved under Subdivision Ordinance 424 215

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Property on Sheets 13 and 14 of Ward 2 and Sheet 5 of Ward 9 - Sunset Mountain Home Owners' Association) 215

Pearson Drive - permission for trailer denied 215

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 94 through 100, Sheet 19, Ward 4) 216

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 225, Rhoebling Circle) 216

Peru delegation - welcomed 219

Plat entitled "Robinson Ridge" - approved under Ordinance 424 219

Planning and Zoning Commission - amendment requested to Zoning ordinance (Lots 165 to 173, Ward 7, Sheet 28, Forestry Service) 224

Planning and Zoning Commission - amendment requested (Lots 57, 58, Sheet 8, Ward 6, East side of Louisiana Ave. - Mrs. Edna L. White) 226

Planning and Zoning Commission - recommendation (Lots 165 thru 173, Sheet 28, Ward 7 - Forestry Service) 226

Planning and Zoning Commission - recommendation (Lots 1 thru 15, Sheet 23, Ward 9 - Palmer and others) 226

Planning and Zoning Commission - recommendation (Property annexed by Ordinance 536 - Eastwood Forest) 227

Planning and Zoning Commission - recommendation (Lot 225, Sheet 19, Ward 4 - Freel) 227

PAGE

Planning and Zoning Commission - resolution inquiring as to procedures and requesting determination of blighting conditions central business district 227

Parks and Recreation Department - Summer Program - plaque presented to city 229

Planning and Zoning Commission - recommendation (Lots 57 and 58, Sheet 8, Ward 6, Mrs. Edna L. White) 230

Planning and Zoning Commission - recommendation (Lot 1-1/4, Sheet 3, Ward 7, The Lynn Corporation) 230

Planning and Zoning Commission - recommendation (Property on Sheet 13, Ward 2 & Sheet 3, Ward 9 - Sunset Mountain Home Owners' Association) 230

Planning and Zoning Commission - amendment requested to zoning ordinance (Mrs. Edna L. White - Lots 57 and 58, Sheet 8, Ward 6) 233

Penick, S. B. & Company - deed of gift to city - property on Broadway at Catawba 234

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 1, Sheet 18, Ward 2 - Shell Oil Company) 235

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lakeshore Drive and Shorewood Drive) 236

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Ridge Avenue, Oakley - Wiggins) 236

Plat - "Sherwood Heights" - approved under Ordinance 424 237

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 133, 134, 135 and 137, Sheet 20, Ward 7 - R. L. Bailey) 238

Planning and Zoning Commission - recommendation (Mrs. Edna L. White - Lots 57 and 58, Sheet 8, Ward 6) 239

Planning and Zoning Commission - recommendation (Lots 94-100, Sheet 19, Ward 4) 239

Planning and Zoning Commission - recommendation (Lot 1, Sheet 18, Ward 2 - Shell Oil Co.) 240

Planning and Zoning Commission - recommendation (Lakeview Estates Subdivision in Plat Book 26 page 46) 240

Planning and Zoning Commission - recommendation (All property from Biltmore Viaduct to Overpass on McDowell) 241

Planning and Zoning Commission - recommendation (All property east of Macon Avenue) 242

Planning and Zoning Commission - amendment requested to zoning ordinance (103 Edgewood Road - Mamie G. Presley) 244

Police Department - motion pictures - drunk drivers - discussion 246

Planning and Zoning Commission - amendment requested to zoning ordinance (119 Haywood Road, Walter Zvoda) 246

Planning and Zoning Commission - amendment requested (Lot 110, Sheet 8, Ward 9, Jewett) 250

Planning and Zoning Commission - Site Plan - Sandon Drive Apartments - referred back to 250

Planning and Zoning Commission - petition re zoning restrictions - Shopping Center - Merrimon Avenue 252

Petition re zoning restrictions - Shopping Center - Merrimon Avenue - Planning and Zoning Commission 252

PAGE

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 4½ Sheet 19, Ward 6 - M. B. Haynes Electric Co. 253

Planning and Zoning Commission - recommendation (Lots on McDowell Street zoning) 253

Planning and Zoning Commission - recommendation - (102 Edgewood Road - Majic C. Presley) 253

Planning and Zoning Commission - recommendation (Ridge Avenue - Winslow) 254

Planning and Zoning Commission - recommendation (R. L. Bailey) 255

Planning and Zoning Commission - recommendation (Walter Jowett) 255

Planning and Zoning Commission - recommendation (Zoned) 255

Petition - Atkins-Harper Lumber Co. - appeal from Board of Adjustment 257

Petition - close east portion of Wesley Place 256

Planning and Zoning Commission - recommendation re Sandor Drive Addition - Site Plan 256

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Sandor Drive, Hy-Vu Street - Horizon Drive) 256

Planning and Zoning Commission - information re title - Cannon Wiggins property 257

Petition - Atkins-Harper Lumber Co. - appeal postponed 257

Petition - Requesting traffic light at intersection of Merrimon Avenue - Wembley Road 257

Petition - Richard - appointed member of Citizens Action Committee - Beautification and Clean-Up 257

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 61 and 62, Ward 8, Sheet 20 - W. L. Maynard) 258

Police Department - [illegible] pictures - Report of Corporation Counsel on opinion of Attorney General 258

Petition - Atkins-Harper Lumber Company - hearing set 258

Petition - requesting removal of building at intersection of Caledonia and Biltmore Ave. 259

Planning and Zoning Commission - recommendation (Jesse Wiggins) 260

Planning and Zoning Commission - recommendation (Horizon Hill, Colonial Place, Sandon Drive) 260

Planning and Zoning Commission - recommendation (Lot 4½, Sheet 19, Ward 6 - M. B. Haynes Electric Corporation) 260

Public transportation - thoroughfare plan - land use plan - study authorized 261

Presley, Robert - concessions - Recreation Park - will not continue ice skating rink 262

Planning and Zoning Commission - amendment requested to Zoning Ordinance - Lot 120, Sheet 16, Ward 2 - A. M. Smith 263

Paving authorized - North Bear Creek Road (beginning at the bridge north of Rash Road to Old County Home Road), Shadowlawn Drive, Broadview Drive, Lowe Avenue, Miller Road, Blalock Street, Azalea Street, Debra Lane, and sidewalk on the east side of Hamilton Street 265

Planning and Zoning Commission - recommendation re Site Plan - Sandon Drive (Horizon Hill) Apartments 266

Planning and Zoning Commission - recommendation (Lots 133-137, Sheet 20, Ward 8, R. L. Bailey) 266

PAGE

Planning and Zoning Commission - recommendation (Lots 61-65, Sheet 20, Ward 8 - W. L. Maynard) 267

Planning and Zoning Commission - recommendation (Lots 120, Sheet 16, Ward 2, A. M. Smith) 267

Petition - re memberships - Municipal Golf Course 270

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 271

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Patton Avenue near intersection with Leicester Highway - Ledford) 271

Planning studies - Metropolitan Planning Board - presented 273

Piedmont Aviation, Inc. - Amendment to lease - Asheville Airport 278

Planning and Zoning Commission - request of A. M. Smith - Lot 120, Sheet 16, Ward 2 - referred back to Commission 278

Planning and Zoning Commission - recommendation (Lot 103, 104, Sheet 14, Ward 6 - Harrison) 279

Planning and Zoning Commission - recommendation (Patton Avenue near intersection with Leicester Highway - Ledford) 279

Planning and Zoning Commission - recommendation (Lot 120, Sheet 16, Ward 2 - Smith) 280

Planning and Zoning Commission - letter of protest - Lot 120, Sheet 16, Ward 2 281

Police Department - retirement of Chief A. R. Sluder 282

Police Department - appointment of J. C. Hall as Chief 282

Police Department - appointment of Eugene Jarvis as Assistant Chief 282

Peyton, William M. - appointed member of Recreation Board for Asheville 282

Planning and Zoning Commission - Zoning ordinance - amendment requested (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 283

Planning and Zoning Commission - Zoning ordinance - amendment requested (Lot on east side of Central Avenue, North of Orchard St. - Ashley Enterprises) 283

Petition - fluoridation - election requested 285

Petition - fluoridation - report of Board of Elections 285

Petition - fluoridation - returned to Miss McCoy 289

Planning and Zoning Commission - recommendation (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 290

Planning and Zoning Commission - recommendation (Lot on east side of Central Avenue, North of Orchard St. - Ashley Enterprises) 290

Planning and Zoning Commission - amendment requested to zoning ordinance (10 foot strip on northern margin of Lots 141, 142 and 142½, Sheet 6, Ward 5 - Atkins-Harper Lumber Co.) 292

Pennell, Mrs. William T. - appointed member of Asheville School Board 295

Petitions - Fluoridation - Report of Municipal Board of Elections 297

PAGE

Planning and Zoning Commission - amendment requested to Zoning Ordinance (36 Mace Avenue - Mrs. Bobbie Banner) 299

Planning and Zoning Commission - Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith - referred back to 299

PARKING - Pay - Asheville Airport 299

Penland, Philip R. - appointed member of Wage Review Board for the City of Asheville 299

Planning and Zoning Commission - petitions in support of rezoning of 36 Mace Avenue 302

Plott, Haywood - lease - lake frontage - Carolina Power & Light Company lake 307

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 49, Sheet 11, Ward 8 - Bosworth) 307

Planning and Zoning Commission - recommendation (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 311

Planning and Zoning Commission - recommendation (10 foot strip on northern margin of Lots 141, 142, Sheet 6, Ward 5 - Atkins-Harper Lumber Co.) 311

Planning and Zoning Commission - recommendation (36 Mace Avenue - Bobbie Banner) 311

Planning and Zoning Commission - amendment requested to zoning ordinance (Al Rodgers, Ward 5) 313

Policemen's Pension and Disability Fund, Firemen's Pension and Disability Fund - appointment of member (Dr. E. Sease Koon, JR.) 317

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Horizon Hill between Colonial Place and Sandon Drive Extension) 318

Pool, Billiard Hall - requested for Northland Shopping Center 318

Park - W. T. Weaver - resolution appreciation for land donated by Mr. and Mrs. Verne Rhoades 321

Parking lot - Asheville Airport - open 321

Petitions - CATV - Thoms Broadcasting Companies, Inc. 321

Public Safety - departmental budget request 323

Public Works - departmental budget request 323

Parks & Recreation - departmental budget request 323

Planning and Zoning Commission - recommendation (Ward 5 - request of Al Rodgers) 323

Planning and Zoning Commission - recommendation (Lot 49, Sheet 11, Ward 8, Bosworth) 324

Planning and Zoning Commission - recommendation (Site plan - Sunset Apartments) 324

PLAT - "Property of Lee Holcombe" - approved 327

"Property of Lee Holcomb" - plat approved 327

Petition - protesting sanitary landfill in Newbridge section 331

Petitions - calling for elimination of fluoride, caustic soda, calgon from public water supply - or call election - Ray 333

Pruitt - ex-officio member of Board of Electrical Examiners 333

Peyton, William M. - appointed member of Recreation Board for Asheville 333

Planning and Zoning Commission - amendment to zoning ordinance requested (Ward 4, Sheets 2 and 5 - Housing Authority) 333

Police Court - appointment of [illegible] Judge (Carvel L. Crawford)

Planning and Zoning [illegible] dation (Horizon Hill [illegible]

Petitions - additional - calling for elimination of fluoride, caustic soda, calgon from public water supply, or call election 339

Paving - Sumner Place - statement of Councilman Sumner 340

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Ward 8, Sheet 20, Lots 133, 134, 135 - Clendenin Realty Co.) 347

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Petition, Barnard St. and Hyannis Dr. area) 347

Planning and Zoning Commission - recommendation (request of Housing Authority) 348

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Biltmore Avenue-McDowell Street area - Keep Asheville Beautiful Committee) 349

Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 4, Sheet 24, Ward 5 - Mrs. L. Dale Thrash)

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots [illegible], 122, 128, 129, 130, Ward 9, Sheet 7, Louis and Jessie Roberts)

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 41 thru 43, Lots 46 thru 56, Ward 4, Sheet 8, rear portion of Lots 426, 427, 428, Hazel Ward, Sheet 4 - J. V. Shoemaker and G. B. Ledford)

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 3, 4, 4½, 234, 4-3/4, 139, Ward 5, Sheet 14, Hester, Roberts)

Planning and Zoning Commission - Site Plan--Horizon Hill Apartments 355

Planning and Zoning Commission - appointment of members (Anthony Redmond, James M. Coleman, Hugh M. Felder, J. Bertram King, Harry Atkins) 356

Planning and Zoning Commission - recommendation (Lots 48, 122, 128, 129, 13[illegible], Ward 9, Sheet 7, Louis and Jessie Roberts)

Planning and Zoning Commission - recommendation (Lots 132, 133, 134, 135, Sheet 2[illegible], Ward 8 - R. L. Bailey)

Planning and Zoning Commission - recommendation (Hyannis Drive - Mrs. Bruce Frey and others)

Planning and Zoning Commission - reaffirming position on zoning (Horizon Hill area)

Planning and Zoning Commission - Site Plan - Horizon Hills - disapproved

Patterson, Allen H. - suggested to help with Transportation Authority 368

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Ward 8, Sheets 19 and 35 - Cecil J. Tennant and others)

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Northwest corner of Patton Avenue and Druid Drive, Smathers Realty & Insurance) 369

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 2½, Sheet 2, Ward 3 - Emil D. Young) 372

PAGE

Pearlman, Fred P. - appointed member of City of Asheville Board of Alcoholic Control 372

Planning and Zoning Commission - amendment requested to zoning ordinance - Lots 94 and 93, Ward 6, Sheet 30, Deaverview Road - Ernest H. Lawing 374

Planning and Zoning Commission - amendment requested to zoning ordinance - Ward 3, Sheet 8, Lot 24, and Ward 3, Sheet 4, Lot 6 - Hughes and Tipton 374

Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 80, Sheet 19, Ward 8 - Nancy Parker) 384

Planning and Zoning Commission - amendment requested to zoning ordinance (Petition - Patton Avenue) 384

Planning and Zoning Commission - recommendation (Cecil [illegible] Taggart, et al) 385

Planning and Zoning Commission - recommendation (Earl D. Young) 385

Planning and Zoning Commission - recommendation (Patton Avenue) 385

Planning and Zoning Commission - recommendation (Ernest H. Lawing) 385

Planning and Zoning Commission - recommendation (Mrs. L. Dale Thrash) 385

Planning and Zoning Commission - recommendation re alternate members to Board of Adjustment 385

Planning and Zoning Commission - amendment requested to Zoning Ordinance (portion of Lot 83, Sheet 11, Ward 5 - S. D. Stroup) 387

Planning and Zoning Commission - recommendation (Portion of Lot 83, Sheet 11, Ward 5, S. D. Stroup) 395

Planning and Zoning Commission - amendment requested to zoning ordinance (Clingman Avenue - Rudolph Gay and wife) 396

Planning and Zoning Commission - amendment requested to Zoning ordinance (Patton Avenue - petition) 396

Planning and Zoning Commission - resignation of H. T. Atkins 397

Planning and Zoning Commission - appointment of Thomas O. McCurry as member 397

Pool Hall - Billiard Room - ordinance - request of Money-Worth that same be amended to include 62 Brook Street 398

Paving authorized - Alley behind Woodcrest and Grovewood Road, unnamed Alley running south off Chatham Road, Bell Road, Bethany Lane, Jersey Street (Lot 163 to end of Lot 148), Morrow Street, Spring Cove Road, and Spring Cove Terrace 399

Planning and Zoning Commission - recommendation (Clingman Avenue - Rudolph Gay) 400

Planning and Zoning Commission - recommendation (Patton Avenue - petition) 400

Planning and Zoning Commission - amendment requested to Zoning ordinance (Haywood Road - Lawrence and others) 402

Planning and Zoning Commission - amendment requested to Zoning ordinance (Joyner Avenue - Smith and others) 402

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 174, Sheet 16, Ward 2 - Patton) 404

Price, Graham - appointed alternate member of Board of Adjustment 404

Pinehurst Road - sewage problem 405

Planning and Zoning Commission - recommendation (Lots 9, 12, 22', 24, Sheet 5, Ward 7) 406

Planning and Zoning Commission - recommendation of Planning Commission (Lot 15, Sheet 1, Ward 6) 406

PAGE

Planning and Zoning Commission - recommendation (Lot 11, Sheet [illegible], Ward 7) [illegible]

Planning and Zoning Commission - recommendation re request of property [illegible] - Ben Hay [illegible]

Planning and Zoning Commission - recommendation (Lot 11, Sheet [illegible], Ward [illegible]) 446

Planning and Zoning Commission - recommendation (Reverend Perry Roberts and Marshall)

Pisgah View Tenants Association - request to appear before City Manager - Housing Director

Planning and Zoning Commission - recommendation re request of Mrs. F. M. Patton (Lot 174, Sheet 16, Ward 2) 413

Petition to close alley off Merrimon 413

Pappas - offer to purchase property on Ashland Avenue 413

Planning and Zoning Commission - recommendation (Lots 8, 9, 9½, 10, 10½, 11, Sheet 1, Ward 6 - Lawrence) 414

Park and Recreation Advisory Board - objection to use of Aston Park as site for auditorium-convention center 417

Park and Recreation Department - merger with Land Management Department proposed 417

Pool Hall, Billiard Parlor - request for ordinance to be amended to include 63 Valley Street 418

People's Hotel Co. - request to use old George Vanderbilt Hotel property for parking 418

Planning and Zoning Commission - recommendation rear dwelling prohibited; all lots to have street access 421

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Howland Road area) 427

Police Department - Annual report 439

Pine Grove Avenue - request to close portion 440

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 14, 15, Sheet 18, Ward 7, Hall J. Hensley) 440

Planning and Zoning Commission - amendment requested to zoning ordinance (Sky Club property, Emma D. Adler) 440

Planning and Zoning Commission - recommendation re Howland Road, Sunset Mountain area 440

Planning and Zoning Commission - recommendation re Site Plan - Group Development Project for Housing for Elderly on South French Broad adjacent to Aston Park - hearing set 440,

Pine Grove Avenue - resolution setting date of public hearing on petition to close portion 443

Phillips Industries, water rate set 445

Petition - paving Old Church Road and Battle Road 445

Page Avenue & Battery Park Avenue - resolu- setting date of public hearing on petition to close triangular portion 457

Pine Grove Avenue - portion closed 457

PAGE

Planning and Zoning Commission - recommendation - Sky Club, Emma Adler 458

Zoning Ordinance - recommendation of Planning and Zoning Commission - request of Hall J. Hensley, Lots 14, 15, Sheet 18, Ward 7 459

Planning and Zoning Commission - recommendation - Lots 16, 17, 17-1/4, Sheet 18, Ward 7, and Lots 71, 72, 73, /3-1/2, 74, 74-1/4, 158, 159 and 160, Sheet 5, Ward 7 459

Petition re closing of portion of Wilmington Street 461

Planning and Zoning Commission - amendment requested to Zoning Ordinance (West Chapel Road & Reed Street) 461

Petition - lower speed limit on Virginia Ave. 461

Planning and Zoning Commission - recommendation (Lots 67 thru 70, Sheet 13, Ward 6, Ben Smathers, Jr.) 463

Planning and Zoning Commission - request for rezoning (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward) 465

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 7 and [illegible] Sheet 22, Ward 9) [illegible]7

Plat approved - "Town and Country Estate.") [illegible]67

[illegible], Billie - appointed to Advisory Committee to City Manager, "City Center" [illegible]

[illegible] - Dog, between Baker Drive and Hominy Creek Road

Planning and Zoning Commission - amendment requested to Zoning ordinance (excavations before buffer zones) 470

Planning and Zoning Commission - recommendation (Lots 21 and 22, Sheet 5, Ward 7) 470

Phillips, Robert F. - resignation as member of Sinking Fund Commission for Buncombe County 472

Plat of Lacy T. Haith property - approved subject to final review of Planning and Zoning Commission 472

Parking - City Center - appointment of Advisory Committee to City Manager (Charles R. Kern, Murray A. Miller, James G. Stikeleather, Jr., Fred Pearlman, Seymour Fligel) 473

Pearlman, Fred - appointed member of Advisory Committee to City Manager - Parking - City Center 473

Planning and Zoning Commission - resignation of James M. Coleman 473

Planning and Zoning Commission - appointment of member - Mason Rankin 475

	PAGE
Quick As A Wink, Inc. - request - Redevelopment Urban Renewal Project NC R-13	301
Quick, Samuel L. - appointed member of Citizens Advisory Committee's Sub-committee on Minority Housing	346

Name	Lot, Sheet Ward	PAGE
[illegible] F. Meredith	Deed Book 443, page 208 CERTIFICATE #331	55
Carolina Power & Light Company	Easement over part of Rhododendron Park property	59
Gordon C. Ray and wife, Eva B. Ray	Lot 14, Block 2, Skyland Springs, Deed Book 60, page 50 CERTIFICATE #332	79
B & K Firestone Dealer Stores, Inc.	12, 13, 14, 23, 24, 25 13 6 CERTIFICATE #333	161
C. Hugh Boulden and wife, Catherine L. Boulden	Return of property not needed in widening at southeast intersection of Patton Avenue & Dartmouth St.	176
Carolina Power & Light Company	Easement over part of Rhododendron Park property	197
[illegible]	[illegible] CERTIFICATE #334	214
C. T. Day	36 11 3 CERTIFICATE #335	330
Housing Authority of the City of Asheville	Small triangle at northwest corner of Walton Street Park	460
Housing Authority of the City of Asheville	Lots 58, 66, 67, and 68, Sheet 15, Ward 4	466

	PAGE
Redevelopment Commission - new Urban Renewal Project proposed by Citizens' Advisory Committee	9
Redevelopment Commission - additional low-rent housing proposed by Citizens' Advisory Committee	9
Reeves Broadcasting Corporation - proposal to construct community cable system	11
Recreation Board for Asheville - creation of and appointment of members (Earl E. McGuire, Jr., Mrs. H. Kenneth Lee, Quentin R. Miller, Mrs James M. Westall, John Q. Schell)	13
Redevelopment Commission of the City of Asheville - appointment of member (Louis Lipinsky)	31
Rights-of-way agreement with State Highway Commission - payment Projects 8.19030, 8.19048, 8.19068, and 8.19069	33
Robinson, Z. B. Construction Company - awarded general contract for construction of Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center	35
R & W, Inc. - awarded heating and ventilating Contract - Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center	35
Riverside Drive - offer to purchase property - Frank Ford	36
Recreation - proposal of Kiwanis Club - Ira B. Jones Elementary School property	43
Recreation - petition protesting use of Ira B. Jones Elementary School property	45
Recreation - Cracelynn Community School protest of use of Ira B. Jones School property	46
Recreation - lease of Carolina Power & Light Company lake	47
Recreation - Recommendation of Recreation Board re use of Ira B. Jones Elementary School property	49
Recreation Board - recommendation re use of Ira B. Jones Elementary School property	49
Redevelopment Commission of the City of Asheville - resignation of Louis Lipinsky	54
Redevelopment Commission of the City of Asheville - appointment of member (Joe R. Sternberg)	56
Recreation - purchase of Swain property for playground authorized	62
Riverside Drive - offer to purchase property - East Coast Oil Company	63
Recreation - resolution authorizing purchase of Swain property and execution of note and deed of trust	64
Riverside Drive - resolution authorizing advertisement re offer East Coast Oil Company	66
Riverside Drive - report of City Manager on sale of property to Frank Ford; deed made to Clara M. Ford	68
Rose Street - request portion be closed (George L. Cowan)	72
Rifkin, Louis B. and wife, Fred Pearlman and wife, Page Company - lease off-street parking	79
Riverside Drive - report of sale - bid rejected	79
Reappraisal of real property - discussion	81
Railroad crossing - Depot Street - improvement discussed	84
Redevelopment Commission - Citizens Advisory Committee - request to update Building Code, Electrical Code and Fire Prevention Code	93
Registration - permanent loose-leaf system recommended	105
Rash Road - paving authorized - (from end of existing paving west for distance of 185 feet)	121
Rankin Avenue - resolution accepting dedication of four foot strip on eastern margin thereof - widening	122
Redevelopment Commission - North-South Expressway - discussion	2
Redevelopment Commission of City of Asheville - requested to study request of Junior Chamber of Commerce to include N. Pack Square in Civic Redevelopment Project N. C. R-13	132
Recreation Board for Asheville - appointment of member (John Q. Schell, Jr.)	
Ray, Lawrence A. - appointed member of Board of Electrical Examiners and ex officio member Board of Examiners of Motion Picture Operators	138
Rhododendron Park - offer of Aston Park Hospital, Inc. to purchase	140
Redmond, Anthony - reappointed member of Planning and Zoning Commission	149
Redevelopment Commission of the City of Asheville - appointment [illegible] (David K. Hall, Jr.)	
Rhododendron Park - Buncombe County Planning Council to make study re Aston Park Hospital offer to purchase	
Recreation - Report on [illegible] ing Lake	
Redevelopment Commission of the City of Asheville - progress report on urban renewal projects	
Rorison, Brainard - appointed Deputy Clerk to record cancelled or cremated bonds	
Redevelopment Commission of the City of Asheville - cost analysis	175
Riverside Drive - proposal of Asheville Livestock Yard to lease city property	
Redevelopment Commission of City of Asheville - Progress Report 1963	
Riverside Drive - proposal of Asheville Livestock Yard to purchase city property	
Riverside Drive - resolution authorizing advertisement of city property	
Rolling Green - plat approved under Ordinance 424	
Riverside Drive - proposed sale protested	
Riverside Drive - proposed sale protested	
Riverside Drive - offer to purchase Asheville Livestock Yard withdrawn	
Robinson, C. LeRoy - appointed member of Metropolitan Sewerage District Board	188
Roberts, E. B. - appointed to Planning and Zoning Commission by County Commissioners	189
Road bond funds - recommendations of Highway Commission re expenditure of	192
Registration requirements - voting - discussion	193
Rhododendron Park - easement to Carolina Power & Light Company	197

PAGE

Roberts, Mrs. Paul - appointed member of Smoke Abatement and Air Pollution Advisory Board 202

Right-of-way (off Chunn's Cove Road) - request to be accepted for maintenance 203

Roda, Peter L. - appointed member of Smoke Abatement Appeal Board 208

[illegible] 209

[illegible] 269

Redevelopment Commission - resolution setting date of public hearing - East Riverside Urban Renewal Project N. C. R-48 213

Redevelopment Commission - East Riverside Urban Renewal Project N. C. R 48 - discussion 214

Redevelopment Commission - Civic Redevelopment Project - discussion 214

Riverside Drive - offer to purchase property on - C. T. Day 214

"Resubdivision of Lot 7, Hillside Terrace" - approved under Subdivision Ordinance 424 215

"Robinson Ridge" - plat approved under Ordinance 424 219

Redevelopment Commission - Public Hearing on East Riverside Urban Renewal Project N. C. R-48 - resolution approving plan 220

Recreation Board for Asheville - appointment of members ((Quentin R. Miller and Mrs. James M. Westall) 224

Redevelopment Commission - urban renewal - streets - north-south freeway - discussion 225

Redevelopment Commission - resolution inquiring as to procedures and requesting determination of blighting conditions - central business district 227

Redevelopment Commission - appointment of member (J. Alfred Miller) 234

Redevelopment Commission - requested to undertake renewal program for central business district - action deferred on resolution 245

Redevelopment Commission - requested to undertake renewal program for central business district - action deferred on resolution 247

Redevelopment Commission - appeal for early disposition of land to First Baptist Church, Asheville School Board 248

Recreation Board for Asheville - appointment of member (C. Jackson Hiff, Coy S. Wike, Mrs. Rita H. [illegible] 257

Robinson, Ridley K., Jr. - appointed member of Civic Center Committee on Beautification and Cleanup 257

Redevelopment Bonds - [illegible] 262

Recreation Park - report of City Manager on insurance adjustment for fire at ice skating rink 261

Recreation Park - report of City Manager on Presley Enterprises 262

Rhododendron Park - renewed offer to purchase by Aston Park Hospital - discussion 263

Redevelopment Commission - early vote on East Riverside Urban Renewal Project urged 269

Rhododendron Park property - sale authorized 270

Redevelopment Bonds - East Riverside Urban Renewal Project - Mayor authorized to file application with Local Government for approval of $1,400,000 bonds 272

Redevelopment Bonds - East Riverside Urban Renewal Project - Statement of City Manager 273

Redevelopment Bonds - East Riverside Urban Renewal Project - City Manager designated to prepare Statement of Debt and Assessed Valuation 274

PAGE

Redevelopment Bonds - East Riverside Urban Renewal Project - Statement of Debt and Assessed Valuation 274, 275, 276

Redevelopment Bonds - East Riverside Urban Renewal Project - Resolution calling special election 276

Recreation Board for Asheville - resignation of Mrs. Kenneth Lee 281

Recreation Board for Asheville - appointment of member - William M. Peyton 282

Rhododendron Park - resolution authorizing City Manager to advertise for sale 282

Redevelopment Bonds - East Riverside Urban Renewal Project - resolution canvassing election results 292

Redevelopment Bonds - East Riverside Urban Renewal Project - resolution authorizing publication of statement of election results 294

Redevelopment Bonds - statement of City Manager re second election 297

Redevelopment Commission - Urban Renewal Project NC R-13 - boundaries 297

Redevelopment Commission - Urban Renewal Project NC R-13 - boundaries 300

Rhododendron Park property - deed authorized - Aston Park Hospital, Inc. 300

Redevelopment Commission - Urban Renewal project NC R-13 - request of Quick As A Wink, Inc. 301

Regional Air Pollution Control Project - consolidation with Air Pollution Control Division of City of Asheville 306

River Side Drive property - offer to purchase by Farm Equipment Co. of Asheville, Inc. 311

Riverside Drive property - sale authorized for [illegible] 315

Revenue, new sources - taxes - discussion 317

Rhoades, Mr. & Mrs. Verne - resolution expressing appreciation for donation of property for W. T. Weaver Park 321

Riverside Drive - report of raised bid by J. V. Sternberg 333

Ray, Lawrence - appointed member of Board of Electrical Examiners 333

Recreation Board for Asheville - appointment of members (John W. Erichson and William M. Peyton) 333

Recreation - discussion 336

Recreation Center - request of Asheville Teen Council 340

Riverside Drive - property on sold to Farm Equipment Co. of Asheville, Inc. 347

Redmond, Anthony - reappointed member of Planning and Zoning Commission 356

Redevelopment Commission of City of Asheville - appointment of member (E. C. Ochsenreiter, Jr.) 356

Ramsey, Norman C. - lease - property at Carolina Power & Light steam generating plant 364

Richmond Hills Golf Course - proposals to design 384

Redevelopment Bonds - East Riverside - Resolution authorizing City Manager to take action to bring to referendum 352

PAGE

Redevelopment Bonds - East Riverside - report of Citizens' Ad Hoc Committee 352

Redevelopment Bonds - City Clerk authorized to publish notice of intention to apply to Local Government Commission 373

Redevelopment Bonds - Mayor authorized to file application with Local Government Commission 374

Redevelopment Bonds - East Riverside - report of City Manager 378

Redevelopment Bonds - East Riverside - City Manager designated to file statement of debt and assessed valuation 379

Redevelopment Bonds - East Riverside - Statement of Debt and Assessed Valuation 379,380 381

Redevelopment Bonds - East Riverside - Resolution calling election 381, 382, 383, 384

Robinson, Ridgley K., George W. Cobb - selected as engineer and architect for Richmond Hills Golf Course 387

Richmond Hills Golf Course - George W. Cobb and Ridgley K. Robinson - selected as architect and engineer 387

[illegible] - plan for long-range improvements 390

Redevelopment Bonds - East Riverside - resolution canvassing resturns of bond election 391, 392, 393

Redevelopment Bonds - East Riverside - resolution providing for recording, filing and publication of statement of result of election 393, 394

Redevelopment - Urban Renewal - Civic Redevelopment Project NC R-13 - notice of public hearing authorized 397

Redevelopment - Urban Renewal - Civic Redevelopment Project NC R-13 - public hearing cancelled 399

Redevelopment Commission - recommendation re Civic Redevelopment Project NC R-13 - approval of City Council 400

Redevelopment Commission - recommendation re sale of land to YMCA in Civic Redevelopment Project NC R-13 - Council approval 404

Railroads - discussion re blocking crossings 411

Riot bill - discussion - Congressman Roy Taylor 412

Revenue - discussion by Jack Barfield 414

Recreation Advisory Board - objection to use of Aston Park as site for auditorium-convention center 417

Recreation and Park Department - proposed merger with Land Management Department - discussion 417

Redevelopment Commission - resignation of Eugene Ochsenreiter, Jr. as member 418

Redevelopment Commission - appointment of member (Luther Thigpen) 418

Redevelopment Commission - East Riverside - filing of amendatory application for loan and grant 422

Redevelopment - Civic Redevelopment Project N. C. R-13 - urban renewal - public hearing set 426

Redevelopment - Civic Redevelopment Project N. C. R-13 - urban renewal - public hearing - street layout plan approved 441, 442, 443

Redevelopment Commission - funding schedule set 445

Redevelopment Bond Anticipation Notes 456, 457

PAGE

Rondesics - site plan off Howland Road approved and hearing set [illegible]

Redevelopment - Civic Redevelopment Project NC R-13 - sale of property to County for health center - approved [illegible]

Redevelopment Bond anticipation notes - sold [illegible]

Rondesics - site plan off Howland Road - hearing continued [illegible]

Recreation Board for Asheville - appointment of member (Fred T Leppert [illegible]

Rondesics - site plan off Howland Road - approved [illegible]

Redevelopment Commission - [illegible] term [illegible]

Rust, Frank [illegible] reappointment [illegible]

Redevelopment Commission - appointment of member (D. Bieman McKenzie, Sr.) 473

Redevelopment Commission - resolution authorizing filing of amendatory grant and loan 474

Rankin, G. Mason - appointed member of Planning and Zoning Commission 475

	PAGE
Sylvan Avenue - complaint re children playing	8
Streets - Sylvan Avenue - complaint re children playing	8
Streets - paving authorized - Lookout Road, Lowell Street, Shannon Drive, Stoner Road, White Pine Drive, Upland Road, Murray Hill Road (between Fagg and Tiernan Streets), and Debra Lane	10
Shannon Drive, paving authorized	10
Stoner Road, paving authorized	10
Sylvan Avenue - complaint re children playing	12
Streets - Sylvan Avenue - complaint re children playing	12
Sewage plant - Application of Metropolitan Sewerage District of Buncombe County for grant under Federal Water Pollution Control Act	12
Schell, John Q. - appointed member of Recreation Board for Asheville	13
South Market Street - petition to allow two-way traffic	32
Streets - petition to allow two-way traffic on South Market Street	32
Strom, H. G. - appointment as member of City of Asheville Board of Alcoholic Control	32
State Highway Commission - agreement re payment for rights-of-way - Projects 8.19030, 8.19048, 8.19068, and 8.19069	33
State Highway Commission - agreement re project 8.19038 (widening from Haw Creek to Gudger's bridge)	38
State Highway Commission - agreement re project 8.19092 (Interstate 40, and interchange Interstate 40, and 25)	39
Sewer charges - collection - agreement with Metropolitan Sewerage District of Buncombe County	40
Street paving authorized - Arco Road Extension (between Governor's View Road and Hillside Road), Beaver Point Circle, Brooklyn Road (between West Chapel Road and Shiloh Road), Devonshire Place, Lee Street (from Broad Street north to Hillside Street), and Worley Place	45
Streets - Lennox - request be made two way, request stay one way	45
Streets - Lennox - report of Director of Public Safety	47
Streets - Liberty Street, Oakley Section - complaint re truck traffic	47
Stroupe, Mrs. C. B. - complaint re cutting tree limbs	48
State Highway Commission - hearing re widening US 70 from Gudger's bridge to Black Mountain	48
Swannoa - complaint of residents re water pressure and trash in water	49
Springtime Subdivision - plat approved under Subdivision Ordinance 424	50
Sinking Fund Commission - resolution eulogizing and commending Curtis Bynum	52
Streets - petition to close and relocate portion of Mineral Springs Road	55
Sternberg, Joe R. - appointed member of Redevelopment Commission of City of Asheville	56
Signs - Expressway - Cavalier Motor Court - approved	56
State Highway Commission - City Manager requested to confer with re Interstate 40 and 26 interchanges	56

	PAGE
Site plan - Doctors' Park - approved	58
Street or alley - Doctors' Park - petition to close	58
Street or alley - Doctors' Park - resolution setting date of public hearing on request to close	60
Streets - resolution setting date of public hearing on petition to close and relocate portion of Mineral Springs Road	64
Street or alley - Doctors' Park - resolution closing as public street or alley	
Streets - resolution closing portion of Mineral Springs Road and relocating same	
State of North Carolina - offered space in City Hall for use by Governor	
Streets - request portion of Rose Street be closed (George L. Cowan)	72
Salary increase - policemen and firemen	79
Sinking Fund Commission - report on outstanding bonds, period ending 12/31/64	79
School consolidation - invitation of League of Women Voters to attend meeting on	79
Sayles Village - bridge - Dan River Mills	80
Sayles Village - Bridge - Dan Manufacturing Company - City Manager authorized to proceed	81
Sinking Fund Commission for Buncombe County, authorized to enter contract for destruction of paid or cancelled coupons and bonds	83
Sayles Village - Bridge - report of City Manager	83
State of North Carolina - deed to land conveyed (Agricultural Livestock Center)	
Streets - request to lower Brooklet Street	96
Sales, Philip N. - reappointed member of Asheville School Board	96
Sayles Village-Oakley - bridge - engineering plans	99
State Highway Commission - discussion of future plans	103
Sinking Fund Commission - Metropolitan Sewerage District - discussion	
Sinking Fund Commission - Metropolitan Sewerage District - report of City Manager	
Street - alley - Trackage [illegible]	
Starnes, O. E., Jr. - reappointed Corporation Counsel	113
Simmons, Margaret - reappointed City Clerk	113
Streets - Balsam Avenue - proposed closing of portion - discussion	114
Smith Alley (to dead end) - paving authorized	121
Short Shiloh Street (to dead end) - paving authorized	121
Streets - paving authorized - North Bear Creek Road, Rash Road, Talmadge Court and Talmadge Extension, Lilac Street, Smith Alley, Carrier Place, Short Shiloh Street, and Beaver Point Circle	121
Streets - accepted for maintenance by city (area annexed by Ordinance 497)	121
Salvation Army - lease - off-street parking	121
Smoke Abatement - Advisory Board - appointment of members (Mrs. J. C. Hall and Mrs. Mamie Clayton	121

PAGE

Smoke Abatement - Appeal Board - appointment of members (Hal Tribble and S. E. Sanders) 121

Sanders, S. E. - appointed member of Smoke Abatement Appeal Board 121

Streets - Rankin Avenue - resolution accepting dedication of four foot strip on eastern margin (widening) 122

Sand Hill Road, Old - request to close portion 122

Streets - Old Sand Hill Road - request to close portion 122

School for Councilmen - invitation 122

Streets - Balsam Avenue - resolution setting date of public hearing on proposed closing of portion 126

Site Plan - Asheville Apartments - approved 128

State Highway Commission - Memorandum of Understanding with City of Asheville, Town of Biltmore Forest, Buncombe County 132

Schell, John Q., Jr. - reappointed member of Recreation Board for Asheville 134

Site Plan - Asheville Apartments - approved 136

Substitute Judge of Police Court - appointment - Narvel J. Crawford 135

Streets - resolution authorizing closing and abandonment of portion of Balsam Avenue 138

Spicer, John W. - resignation as member of the Metropolitan Sewerage District Board 139

Streets - petition requesting closing of former location of Scenic Highway or Town Mountain Road 141

Scenic Highway or Town Mountain Road - petition requesting closing of former location of 141

Sunday sales - ordinance prohibiting proposed 141

Streets - Merrimon Avenue - trucks - complaint of Mrs. Guilka 144

Substandard house - Merrimon Avenue - complaint of Mrs. Guilka 144

Streets - request to close portion of Alto Avenue 145

Streets - Tunnel Road - petition to relieve traffic congestion 145

Sayles Village - bridge - City Manager authorized to advertise for bids for construction of 146

State Highway Commission - recommendation of North-South Expressway - Valley-Central Areas plan prepared by Wilbur Smith and Associates requested 146

Scenic Highway or Town Mountain Road - former location - request to close denied 146

Streets - petition to close former location of Scenic Highway or Town Mountain Road denied 146

Sunday closing - discussion 147

Sunday closing - letters for and against - discussion 147

State Highway Commission urged to construct second tunnel through Beaucatcher 148

State Highway Commission - discussion re request to allocate funds for tunnel 151

Sayles Village - Cedar Street Bridge - bids 152

Sayles Village - Cedar Street Bridge - contract awarded 153

Streets - paving authorized - William Street, Cub Road, Cub Place, Kirby Place and McClain Street 153

Sunday closing - petitions requesting repeal of ordinance526 or submission to vote 153

Scenic Highway, former location of Town Mountain Road - resolution setting date of public hearing on request to close portion 154

Streets - Scenic Highway, former location of Town Mountain Road - resolution setting date of public hearing on request to close portion 154

PAGE

Sinking Fund Commission for Buncombe County - Audit 155

Sunday closing - petitions certified by City Board of Elections 155

Sunday closing - election - discussion 156

Sanitary Department employees - wage increase requested 159

Subdivisions - must comply with Subdivision before water tap 159

Southern Railway Company - agreement with for encroachment for Cedar St. Bridge 160

Sayles Village - Southern Railway Company - agreement for encroachment for Cedar St. Bridge 160

State Highway Commission - agreement re maintenance of state highway system streets within city 160

Streets - agreement with State Highway Commission for maintenance of state highway system streets within city 160

Streets - complaint re traffic - Louisiana Avenue 161

Sanitary Department employees - wages - discussion 161

Site plan - "Apartment Development, Parkway Mortgage Company" - public hearing set 163

Site plan - "Asheville Arms" - public hearing set 164

Streets - Louisiana Avenue - traffic--report of City Manager 164

Scenic Highway, former location of Town Mountain Road - public hearing on request to close portion 165

Streets - public hearing on request to close portion of Scenic Highway, former location of Town Mountain Road 165

Streets - paving authorized - North Bear Creek Drive and Friendly Hollow Road 165

Society of American Foresters - request for 225 acres on North Fork Watershed for research purposes 165

Sanitary Department employees - wage increase requested 165

Scenic Highway, former location of Town Mountain Road - resolution closing portion 166

Streets - Scenic Highway or former location of Town Mountain Road - resolution closing portion 166

Site Plan - Asheville Arms - approved 166

Site Plan - Apartment Development, Parkway Mortgage Company - approved 166

Sunday Closing Ordinance - result of election on 167

Streets - Merrimon Avenue - traffic - complaint 169

Subdivision regulation - amendment proposed by Planning and Zoning Commission 170

Sinking Fund Commission for Buncombe County - Brainard Rorison appointed Deputy Clerk to record cancelled or cremated bonds 171

PAGE

State Highway Commission - supplemental agreement, Project 8.19048 (Interstate 40 and 26) 175

State Highway Patrol - request for property near Airport for new patrol station 175

State Highway Commission - amendment to agreement for encroachment on Expressway right-of-way for parking purposes 178

Sunday Closing law - interpretation as to Mobile Home Display - Report of City Manager 180

Sinking Fund Commission for Buncombe County - appointment of Commissioner Number Four (Robert F. Phillips) 181

Site Plan approved - "The Shelburne" 182

Sinking Fund Commission - Annual Report 183

Streets - Tunnel Road - request of Miracle Valley Association 187

State Highway Commission - Resolution re agreements to relocate and eliminate conflicts with city water and sewer facilities due to construction of Project 8.1904802 from Bowling Creek to Alabama Avenue 185

Site Plan approved - "The Shelburne" 186

"Springtime" - plat approved under Ordinance 424 187

Streets - request to close portion of Meadow Road lying within property of Asheville Steel Co. 188

Spicer, John W. - appointed member of Board of Trustees of Firemen's Relief Fund 188

Streets - resolution setting date of public hearing on request to close portion of Meadow within property of Asheville Steel Company 189

State Highway Commission - allocation of road bond money - discussion 189

Bayne, William C. - appointed to Planning and Zoning Commission by County Commissioners 189

State Highway Commission - recommendations re road bond money - discussion of highway problems 192

Sunday closing ordinance - complaint about enforcement 192

Sunday closing ordinance - letter of protest 195

State Highway Commission - new study of North-South Freeway proposed 197

Streets - resolution closing portion of Meadow Road on property of Asheville Steel Company 198

Streets - Bell Road accepted for maintenance 201

Six Associates - contract with for schematic design for Civic Arts Center 201

Smoke Abatement and Air Pollution - Advisory Board - appointment of members (Lawrence J. Traber, L. D. Hyde, Mrs. Paul Roberts) 202

Sign - Expressway - request of Lamar Dean Advertising denied 202

Sewer line and water line - encroachment with Southern Railway Company authorized 203

Southern Railway Company - encroachment agreement re water line and sewer line - authorized 203

Southern Railway Company - encroachment agreement re water line - authorized 203

Silverman, Jerome and Mrs. Essie - leases for off-street parking authorized 203

PAGE

State Highway Commission - Tunnel Road widening - discussion 204

State Highway Commission - Tunnel Road widening - discussion 207

Sewer line - deed to Beaverdam Water and Sewer District 208

Special school tax - County Commissioner urged not to reduce 208

Special school tax - discussion 208

State Highway Commission - resolution re agreements, water and sewer conflicts due to construction of I-40 and I-26 from Alabama Avenue north to end of project at Hazel Mill Road 210

Smoke Abatement - Appeal Board - appointment of members (Dr. Elwood L. Demmon and Peter L. Roda) 210

Sayles Village - bridge - report of progress 210

State Highway Commission - right-of-way - Tunnel Road - discussion 211

State Highway Commission - right-of-way - Tunnel Road - report 214

Streets - Pearson Drive - request for trailer denied 215

Streets - Urban Renewal Project - discussion 225

Streets - Merrimon Avenue - widening - writ of Mayor authorized 229

State College students - Diane Ramsey and Eddie Viedenbaugh introduced 229

Streets - Memorial Mission Hospital grounds - offered for dedication and accepted by city 233

SKF Industries Inc. - water rate established for 234

State Highway Commission - resolution of request to extend N. C. Highway Route 9 from Black Mountain to Blue Ridge Parkway to join N. C. Highway Route 128 to Mt. Mitchell 237

State Highway Commission - discussion - improvement to Brevard Road 238

School children - traffic - safety - discussion 239

"Sherwood Heights" - plat approved under Ordinance 424 239

Site Plan - Sandon Drive Apartments - public hearing set 242

Sandon Drive Apartments - public hearing set on Site Plan 242

Sinking Fund Commission - audit - period ending June 30, 1966 246

Sandon Drive Apartments - site plan - hearing continued 247

Site plan - Sandon Drive Apartments - hearing continued 247

Site plan - Sandon Drive Apartments - referred back to Planning and Zoning Commission 250

Sandon Drive Apartments - site plan referred back to Planning and Zoning Commission 250

State Highway Commission - agreement with - new bridge over French Broad River 251

Streets - Worley Place - petition to close east portion 256

Sandon Drive Apartments - recommendation of Planning and Zoning Commission - site plan 256

PAGE

[illegible] 256

[illegible] 257

[illegible] [illegible]

[illegible] - Council Chamber - discussion 258

[illegible] Department - Credit Question - Discussion 258

Streets - resolution setting date of public hearing to close portion of Worley Place 259

Sewer - complaint of Mrs. Guilka 259

State Highway Commission - tunnel - discussion 261

State Highway Commission - resolution commending for efforts, and urging completion of Beaucatcher Tunnel 264

Stikeleather, James G., Jr. - resolution commending for efforts, and urging completion of Beaucatcher Tunnel 264

Streets - paving authorized - North Bear Creek Road (beginning at the bridge north of Rash Road to Old County Home Road), Shadowlawn Drive, Broadview Drive, Lowe Avenue, Miller Road, Blalock Street, Azalea Street, Debra Lane 265

Sidewalk - paving authorized - east side of Hamilton Street 265

Shadowlawn Drive - paving authorized 265

Sayles Village - bridge across railroad - discussion 265

Streets - request to close Mary and Bettie Streets 265

Site Plan - Sandon Drive (Horizon Hill) Apartments - recommendation of Planning and Zoning Commission 266

Sandon Drive (Horizon Hill) Apartments - recommendation of Planning and Zoning Commission 266

Streets - resolution closing eastern portion of Worley Place 268

Shaw, Alan H. - recommended by Chairman Republican party as Republican member City Board of Elections 267

Shaw, Alan H. - appointed member of City Board of Elections 268

Streets - request to relocate and close portion of Inglewood Road 268

Safety - Community Safety Council proposed 273

Streets - complaint re traffic & trucks - Merrimon Ave. 280

Sluder, A. R. - retirement as Chief of Police 282

SPCA - bows and arrows - ordinance requested 283

SPCA - request re animal shelter 292

Senate Bill 78 - City Charter - protest of City Council 295

Schools - spiritual teaching - Mr. Hart 297

Sub-standard housing - Building Code - report of City Manager 298

State Highway Commission - request of city to delete certain streets from highway system and put under Powell Bill funds 301

Streets - certain streets to be deleted from State Highway system maintenance and put under Powell Bill funds 301

Sewer charge - Metropolitan Sewerage District - ordinance to be prepared 306

Septic tanks - discussion 306

Salaries of city employees - recommendation of Wage Review Board 306

Smoke abatement - consolidation of Air Pollution Control Division of the City of Asheville with Regional Air Pollution Control Project 306

Showfety, Rev. Joseph - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Sewer charge - water rates - discussion 307

State Highway Commission - agreement (Project 8.1904802, Project 8.3191102) 314

[illegible] - right[illegible] [illegible] Project 8.[illegible] 315

[illegible] - Council [illegible] 316

[illegible] - Highway Commission - report [illegible] 316

Stoker, Mrs. Lawrence C. - appointed member of Library Board 317

Streets - protest at Broadway and Lexington being made one-way 318

Streets - protest at Broadway and Lexington being made one-way 323

Sunday beer and wine sales - request for ordinance amendment 323

Site plan - Sunset Apartments - hearing set 324

Sunset Apartments - site plan, hearing set 324

Streets - Mountainbrook Road - resolution accepting dedication as public street 326

Sewage disposal - Council invited to make tour of new facility 331

Sanitary Landfill - Newbridge section - petition protesting 331

Streets - request to close portion of Thurland Road 331

Sternberg, J. V. - raised bid for property on Riverside Drive 333

Simmons, L. B. - appointed member of Board of Examiners of Motion Picture Operators 333

Substitute Judge for Police Court - resolution appointing (Narvel J. Crawford) 334

Site Plan - Sunset Apartments - approved under Ordinance 424 334

Sunset Apartments - Site Plan approved 334

Streets - request to close portion of Vivian Avenue 335

Sanitary Department - method of garbage collection 339

Sumner Place - paving - statement of Mr. Sumner 340

Systematic Housing Code Compliance Program for Asheville - resolution establishing 346

Stepp, Julian B. - appointed member of Citizens Action Committee on Beautification and Clean-up 346

Southern Railway System - agreements for water and sewer encroachments 347

Sewer - agreement with Southern Railway System for encroachment 347

Site Plan - "Property of B. H. Taylor" - Hearing set 348

Site Plan - "Howard Johnson"s - hearing set 348

PAGE

Streets - Westwood - complaint re method of washing 354

Site Plan - Horizon Hill Apartments 355

Streets - surfacing and resurfacing - contract awarded Asheville Paving Company 364

Site Plan - "Property of B. H. Taylor" - approved 364

Site Plan - "Howard Johnson's" - Hendersonville Road - approved 365

State Highway Commission - agreements re relocation of sewers & water lines - Projects 8.1904802, 8.3191102 366

Site Plan - "Horizon Hills" - disapproved 366

Starnes, Hal F. - suggested to help with Transportation Authority 368

Sutton, Norman - suggested to help with Transportation Authority 368

Streets - Clingman - [illegible] 371

Streets - Vivian Avenue - resolution setting date of public hearing on petition to close portion 374

Slum housing - certain houses to be demolished and costs charged against properties 375

Smoke abatement - air pollution - discussion 377

Streets - Tunnel Road - request for 5th turn lane 384

Streets - Inglewood Road - discussion 384

State Highway Commission - agreement - widening Patton Avenue west of Smoky Bridge - Project 9.7130202 385, 386

Streets - Vivian Avenue - portion closed 387

Sewage disposal plant - discussion of plans for open house 387

Starnes, O. E. Jr. - resignation as Corporation Counsel 390

State Highway Commission - agreement - thoroughfare planning studies 395

Streets - request to close unopened and unnamed off Louisiana 395

Streets - resolution setting date of public hearing to close unopened and unnamed off Louisiana 398

Stephens Lee High School - utilization of building - discussion 398

Street paving authorized - unnamed Alley running south off Chatham Road) Alley behind Woodcrest and Grovewood Road, Bell Road, Bethany Lane, Jersey Street (From Lot 163 to end of Lot 148), Morrow Street, Spring Cove Road and Spring Cove Terrace 399

Spring Cove Road - paving authorized 399

Spring Cove Terrace - paving authorized 399

Spicer, John W. - reappointed member of Board of Trustees of Firemen's Relief Fund 399

Streets - unopened and unnamed - off Louisiana - resolution closing 403

Streets - Mimosa Drive - discussion re obligation of city to church for strip 403

Sewage problem - Pinehurst Road 405

St. Joseph's, Memorial, Aston Park - resolution commending joint fund raising effort 409

Streets - unopened - off Erskine STreet - request to withdraw from dedication - Robert L. Harrell 411

State Highway Commission - maintenance of streets assumed by State 412

Streets - State Highway - maintenance assumed by State 412

Streets - request to close portion of Taft 412

Streets - request for sidewalk - Clinton 417

State Highway Commission - option with for purchase of certain rights-of-way 418

Sign erection and building inspection fees - upgrading requested 418

Students - summer work - discussion 422

Sevier Street - sewer complaint 423

Summer student employment - Mayor's committee appointed 423

Sewerage problem - Asheville-Biltmore College - engineering report 423

Sign - ABC Recreation Center - Merrimon Avenue - request to erect 426

South Grove Street - inquiry as to status of property at 128 427

Streets - Inglewood Road - Cartway - discussion [illegible]

Silico Street - request to close portion [illegible]

Streets - request to close portion of Oakland Avenue, Silico Street, Pine Grove Avenue and Black Street

Site Plan - Group Development Project for Housing for Elderly on South French Broad adjacent to Aston Park - hearing set 440, 441

Silico Street - resolution setting date of public hearing on petition to close portion 443

Streets - resolution setting date of public hearing on petition to close portions of Oakland Avenue, Silico Street, Pine Grove Avenue and Black Street 443

Streets - petition - paving - Old Church Road and Battle Road 445

Scenic Properties, Inc. - request that city relinquish 100 feet at corner of Battery Park Avenue and Page Avenue 447

Site Plan approved - Housing for the Elderly at Aston Park 448

State Highway Commission - agreement re projects 8.19030, 8.19048, 8.19069, 8.19068 448, 449

State Highway Commission - agreement re project W. O. 9.7130208 450

Streets - resolution setting forth intention to widen Carroll Avenue 457

Silico Street - portion closed 457

Streets - portions of closed - Pine Grove Avenue, Black Street, Oakland Avenue, Silico Street 457

Site Plan - Rondesics - off Howland Rd. 458

Swicegood, Mrs. C. M. - lease of property, Lake Julian 459

Streets - petition to close portion of Wilmington Street 461

Streets - request to lower speed limit on Virginia Avenue 461

	PAGE
Streets - resolution setting date of public hearing on petition to close portion of New York Avenue and Georgia Avenue	461
Streets - resolution setting date of public hearing on petition to close portion of Wilmington Street	462
Site plan - Rondesics - hearing continued	464
State Highway Commission - Supplemental Agreement Projects 8.19030, 8.19058	464
[illegible] - Expressway - approved	465
South Depot Street and Oakland Avenue - request that portion be closed	465
Site Plan - development off Howland Road - Rondesics - approved	465
South Depot Street - resolution closing	466
Streets - Wilkerson Street - resolution to close [illegible] at depot	470
Street [illegible] New York and Georgia Avenue - hearing to close portion - continued	[illegible]
Streets - New York and Georgia Avenue - no action	472
Sinking Fund Commission for Buncombe County - resignation of Robert F. Phillips	472
Sinking Fund Commission for Buncombe County - appointment of member (Karl H. Straus)	472
Straus, Karl H. - appointed as member of Sinking Fund Commission for Buncombe County	472
Stikeleather, James G. Jr. - appointed member of Advisory Committee to City Manager (City Center - Parking)	473
Streets - Buttrick Street - request to close	474

	PAGE
Tax, License and Privilege - complaint of Barry Winner	1
Television - proposed permit, National Trans-Video, Inc.	2
Television - proposal of Reeves Broadcasting Corporation	11
Television - further proposal of National Trans-Video, Inc.	11
Television - further request of WISE-TV	11
Television - amended proposal, National Trans-Video, Inc.	12
Taxicabs - petition for increase in rates	12
Television - proposal of Skyway Broadcasting Company (WLOS-TV)	17
Television - requirements of city for permit	17
Television - proposal of WISE-TV, Inc.	29
Television - proposal of Sam L. Irvin - CASE	29
Television - franchise to be retained by City	30
Television - Discussion - franchise to be retained by city	32
Television - statement of Councilman Algary	33
Tunnel Road Shopping Center - plat approved under Subdivision Ordinance 424	37
The Biltmore Company - lease	48
Taxicab operators - request for rate increase	54
Taxicab operators - public hearing set on rate increase	56
Traffic - Master Highway Transportation Plan for Metropolitan Asheville - Wilbur Smith & Associates to make further study	58
Trivette, Perry C. - reappointed member of Board of Trustees of Firemen's Relief Fund	70
Traffic - Master Highway Transportation Plan for Metropolitan Asheville - Wilbur Smith & Associates to make further study	71
Tunnel, painting of curbs and center-line	80
Tucker, Robert - claim for damages	98
Television - request of Harold H. Thoms for license to operate CATV system in city	99
Thoms, Harold H. - request to operate CATV system in city	99
Tunnel - plans announced	104
Tree clippings - Lakeview section - fire hazard	105
Television - community antenna cable - discussion	106
Traffic - Clingman & Patton - petition	107
Trackless - accepted by City	108
Traffic - revision - Master Highway Transportation Plan for Metropolitan Asheville (north-south freeway and Buncombe & Commerce [illegible])	112
Time of weekly meeting - Council	113
Talmadge Court and Talmadge Extension - paving authorized	121
Tribble, Hal - appointed member of Smoke Abatement Appeal Board	121
Traffic complaint - W. G. Hutchsion	128
Traffic - Coordinating Committee on Traffic Safety created	132
Town of Biltmore Forest - Memorandum of Understanding with City of Asheville, Buncombe County and North Carolina State Highway Commission	132
Tax rate - increase opposed	139
Tax rate - statement of City Manager--discussion	140
Town Mountain Road or Scenic Highway, former location of - petition requesting closing	141
Television - proposal of Asheville Cablevision, Inc. (Robert O. Hofland) to operate CATV	143
Traffic - petition to relieve congestion on Tunnel Road	14[illegible]
Television - report of City Manager on CATV	14[illegible]
Town Mountain Road or Scenic Highway - former location - petition requesting closing denied	14[illegible]
Television - protest of antenna manufacturers to CATV	14[illegible]
Tunnel - resolution urging construction of second tunnel through Beaucatcher	14[illegible]
Television - report of City Manager on CATV	14[illegible]
Television - CATV - discussion	14[illegible]
Television - CATV - proposal of Harold H. Thoms	14[illegible]
Television - CATV - propotest of radio and television dealers	14[illegible]
Thoms, Harold H. - proposal to operate CATV	14[illegible]
Tunnel through Beaucatcher - urged construction	14[illegible]
Tunnel - State Highway Commission - discussion re allocation of funds	151
Town Mountain Road - former location (Scenic Highway) - resolution setting date for public hearing on petition to close portion	15[illegible]
Tuton, John W. - reappointed member of Buncombe County Planning Council	156
Television - Bids on CATV - Report of City Manager	159
Television - contract awarded Asheville Cablevision, Inc. to install CATV	160
Television - CATV - discussion	161
Traffic - complaint re Louisiana Avenue	161
Town Mountain Road - former location (Scenic Highway) - public hearing on petition to close portion	165
Town Mountain Road, former location (Scenic Highway - resolution closing portion	166
Toll Road Extension - request to reopen	166
Traffic - Merrimon Avenue - complaint	169
Traffic safety - discussion - Citizens Committee urged	17[illegible]
"The Shelburne" - site plan approved	182
Tunnel Road - traffic - request of Miracl Mile Association	184
Traffic problems - Tunnel Road, Patton Avenue - appointment with Governor to discuss	185

PAGE

"The Shelburne" - site plan approved 186

Traffic problems - Tunnel Road - Patton Avenue - appointment with Governor Moore postponed 187

Television - CATV - discussion 194

[illegible] 19

[illegible] 2[illegible]

Traber, Lawrence J. - appointed member of Smoke Abatement and Air Pollution Advisory Board 202

Tunnel Road - widening - right-of-way - discussion 204

Tunnel Road - widening - right-of-way - report of Corporation Counsel - discussion 205

Taxes - special school - County Commissioners urged not to reduce 207

Taxes - special schools - ratio - discussion 208

Tunnel - Boxcatcher - discussion 209

Tunnel Road - right-of-way - State Highway Commission - discussion 210

Tunnel Road - Report of State Highway Commission on right-of-way 214

Trailer - request of J. A. Banks - Pearson Drive - denied 215

Town of Biltmore Forest - water rate established for 234

Tax Collector for Board of Tax Supervision - Audit Report 238

Traffic - school children - safety - discussion 239

Tunnel Road - discussion 250

Taxes - protest of Miss McCoy 253

Traffic light - Wembley & Merrimon - report of City Manager 257

Transportation - bus - mass transit plan - land use plan - thoroughfare plan - study authorized 261

Tunnel - discussion 261

Traffic light - Wembley & Merrimon - report of City Manager 264

Tunnel - resolution commending State Highway Commission and Stikeleather and urging completion of Tunnel 264

Taxes - discussion 264

Tomlin, Perry C. - appointed member of Board of Trustees - Firemen's Relief Fund 265

Traffic - Community Safety Council proposed 273

Television - CATV - application of Asheville Cablevision for franchise - request for election 278

Traffic - Merrimon Avenue - complaint re traffic & trucks 280

Television - CATV - bid for franchise by The Thoms Broadcasting Companies, Inc. 281

The Thoms Broadcasting Companies, Inc. - bid for franchise for CATV 281

Television - CATV - report on financial backing of Asheville Cablevision 285,286

Television - CATV - proposal of The Thoms Broadcasting Companies 286

Television - CATV - franchise ordinance - Asheville Cablevision Corporation 286, 287, 288, 289

Television - CATV - franchise - Asheville Cablevision Corporation - election results 295

Taylor, Martha and husband, Elizabeth A. Bourne and husband; Mrs. Topping A. Bryan and husband; Mrs. W. H. Anderson and The Bank of Asheville, as Co-Trustees under the will of W. H. Anderson - lease - off-street parking 298

PAGE

Tribble, Hal - appointed member of Wage Review Board for the City of Asheville 299

Tunnel Road - discussion 300

Tunnel Road - discussion 303

Tessier, Mrs. Jack - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Thigpen, Luther - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Tax - school supplement - discussion 316

Taxes - new sources of revenue - discussion 317

Thoms Broadcasting Companies, Inc. - petitions - CATV 321

Television - Thoms Broadcasting Companies, Inc. - petitions - CATV 321

Television - CATV - Thoms Broadcasting Companies, Inc. - petitions certified by Municipal Board of Elections 325

Television - CATV - Thoms Broadcasting Companies, Inc. - election called 325

Thurland Road - request to close portion 331

Tax - protest of Mary E. Wilder 335

Taxes - protest of Miss McCoy - discussion 338

[illegible] James and Associates 339

Television - CATV - Thoms Broadcasting Companies, Inc. - certification of result of election 341, 342, [illegible]

Television - CATV - Ordinance and Franchise to Thoms Broadcasting Companies, Inc. 343, 344, 345, 346

Thoms Broadcasting Companies, Inc. - Franchise - CATV 343, 344, 345, [illegible]

Talbert, Harold A., Jr. - appointed member of Citizens Advisory Committee's Sub-Committee on Minority Housing 346

Thomas, L. S. - appointed member of Citizens Advisory Committee's Sub-Committee on Minority Housing 346

Taylor, B. H. - Property of - Site Plan - hearing set 348

Thoms Broadcasting Companies, Inc. - acceptance of CATV Franchise 351

Television - CATV - acceptance of franchise by Thoms Broadcasting Companies, Inc. 351

Travis, William R. and wife; Hugh A. and wife; Don C. Young and wife; Audrey Mendez and husband; Lena Lyle and husband - lease - off-street parking 356

Taylor, B. H. - Property of - Site Plan - plan approved 364

Tennessee Valley Authority - city to cooperate in building levees in city 367

Transportation Authority - bus service - White Transportation Company - statement of City Manager 367

Transportation Authority - citizens to be invited to serve - Carl A. Bufflap, Jr., Allen H. Patterson, Hal F. Starnes, J. Nick Davis, Joseph L. Hunter, Norman Sultan 368

Transportation Authority - authorized 372

PAGE

[illegible] 373

[illegible] - request for 5th turning lane 384

[illegible] - discussion - center line [illegible]

[illegible] - comparison with other cities - [illegible] 387

Taxes - uncollected - discussion 388

Thoroughfare planning studies - agreement with State Highway Commission 395

[illegible] Century Heating Company - request to close unopened alley off Merrimon 401

Terrell, Robert - appointed member of [illegible] and Electrical Commission for City of Asheville 403

[illegible], Lawrence J. - appointed alternate to Board of Adjustment [illegible]

Thoms Broadcasting Companies - CATV - subscriber's application and rates 412

Television - CATV - subscriber's application and rates 412

Taylor, Congressman Roy - discussion of riot bill 412

Thoms Broadcasting Companies - CATV - certificate of assumed name 413

Television - Thoms Broadcasting Companies - certificate of assumed name 413

Taft Street - request to close portion 415

Thigpen, Luther - appointed member of Redevelopment Commission 418

Taxicab rates - ordinance increasing to be prepared 437

Tunnel Road Association - proposal for site for Auditorium-Convention Center 441

Taylor, Richard M. - appointed member of Asheville Transit Authority 448

Television, community antenna - report to be presented 467

Town and Country Estates - plat approved [illegible]

Terrell, [illegible] - appointed to Advisory Committee to City Manager, "City Center"

Traffic light Biltmore Dairy Bar - request to remove 474

	PAGE
Urban Renewal Bonds - report of sale	8
Urban Renewal - new project south of Hilliard Avenue proposed by Citizens' Advisory Committee	9
Upland Road, paving authorized	10
Urban Renewal - New Project - approved by Metropolitan Planning Board of Asheville and Buncombe County, and Planning and Zoning Commission	11
Urban Renewal - protest of Miss McCoy	32
Urban Renewal Project #2 - resolution approving undertaking of surveys and plans for an urban renewal project and filing of an application	33
Urban Renewal - protest of Miss McCoy	33
Urban Renewal - report of Councilman Algary on convention of National Association of Housing and Redevelopment Officials	46
Urban Renewal - Housing and Home Finance Agency requested to recertify City's Workable Program for Community Improvement	103
Urban Renewal Project #2 - resolution approving [illegible] of surveys and plans for an urban renewal project and filing of an application [illegible]	112
Urban Renewal - Project N. C. R-13 - request that North Pack Square be included in	132
Urban Renewal - policy of city re real estate commissions	135
Urban Renewal - Miss McCoy	138
United States of America - Federal Aviation Agency - resolution of city accepting Grant Offer for strengthening runway, taxiways and apron at Asheville Airport	156
Urban Renewal - Citizens Advisory Committee - appointment of members (Douglas Pearson, Alvin Miller, Mrs. Charles D. Owen, Jr., R. S. Dillard, Jr.)	158
Urban Renewal - discussion	169
Urban Renewal - progress report on Civic Redevelopment Project - discussion	171
Urban Renewal - resolution approving surveys and plans for Project #2 and filing amended application	171
Urban Renewal - Redevelopment Commission, Cost Analysis	175
Upper French Broad Economic Development Commission - request for office space at Airport Terminal Building	178
Urban renewal - progress report of Redevelopment Commission	179
Urban Renewal - protest of Miss McCoy	181
Urban Renewal - East Riverside Project - discussion	187
United States of America - Federal Aviation Agency - lease - space in Airport Terminal	189
Urban Renewal - N. C. R-13 - proposed new study for North-South Freeway by State Highway Commission	197
Urban renewal - protest of Miss McCoy	201
Urban renewal - protest of Miss McCoy	209
Urban renewal - feasibility study of downtown business district - no action	210
Urban renewal - Project #2 - East Riverside - N. C. R-48 - resolution setting date of public hearing to consider plan	213
Urban renewal - East Riverside - discussion	214
Urban renewal - Civic Redevelopment Project - discussion	214
Urban Renewal - East Riverside - public hearing - resolution approving plan	220
Urban Renewal - streets - north - south freeway - discussion	227
Urban Renewal - Resolution re procedures and requesting determination of blighting conditions - central business district	227
United States Veterans Administration Hospital at Oteen, N. C. - water rate established for	234
Urban Renewal - East Riverside - discussion	237
Urban Renewal - East Riverside - discussion	242
Urban Renewal - East Riverside - discussion	244
Urban Renewal - resolution re Central Business District - action deferred	245
Urban Renewal - resolution re Central Business District - action deferred	247
Urban Renewal - appeal for early disposition of land to First Baptist Church, Asheville School Board	248
Urban Renewal - complaint of Mrs. Rogers	251
Urban Renewal - East Riverside - City Manager authorized to present proposal to Local Government Commission	263
Urban renewal - East Riverside - building inspections - discussion	267
Urban renewal - East Riverside - early vote requested by Redevelopment Commission	270
Urban renewal - East Riverside - inspections - report of Director of Public Safety	270
Urban renewal - East Riverside - bonds - schedule re election	272
Urban Renewal - East Riverside - Mayor authorized to file application with Local Government Commission for approval of City Manager's Report	272
Urban Renewal - East Riverside - Bonds - Statement of City Manager	273
Urban Renewal - East Riverside - Bonds - City Manager designated to prepare Statement of Debt and Assessed Valuation	274
Urban Renewal - East Riverside - Bonds - Statement of Debt and Assessed Valuation	274, 275, 276
Urban Renewal - East Riverside - Bonds - Resolution calling special election	276
United Air Lines - Amendment to Lease - Asheville Airport	278
United States - Workable Program for Community Improvement - Department of Housing and Urban Development asked to recertify	278
Urban Renewal - questions - East Riverside Urban Renewal Project (Republican Women's Club)	283
Urban Renewal - questions - East Riverside Urban Renewal Project - Republican Women's Club - report of City Manager	285
Urban Renewal - statement of City Manager re second election - East Riverside	292
Urban Renewal - resolution canvassing returns of special bond election	293
Urban Renewal - resolution authorizing publication of Statement of Result of Bond Election	294

PAGE

Urban Renewal - Civic Redevelopment Project N. C. R-13 - boundaries 297

Urban Renewal - Civic Redevelopment Project N. C. R-13 - boundaries 300

Urban Renewal - Civic Redevelopment Project N. C. R-13 - request of Quick As A Wink 301

U. S. Department of Housing and Urban Renewal - request amendment of Housing Code - Workable Program certification 305

Urban Renewal - East Riverside - discussion 312

[illegible] 316

Urban Renewal - East Riverside - City Manager authorized to take administrative action to bring to referendum 352

Urban Renewal - East Riverside - statement of Interfaith Committee on Housing 366

United Crafts - TVA - city to cooperate in building homes in city 367

[illegible] 371

Urban Renewal - East Riverside - City Clerk authorized to publish Notice of Intention to Apply to Local Government Commission for Approval of Bonds 373

Urban Renewal - resolution authorizing Mayor to apply to Local Government Commission for approval of bonds 374

Urban renewal - discussion re East Riverside 378

Urban renewal - East Riverside - report of City Manager 378

Urban renewal - East Riverside - City Manager to make statement of debt and assessed valuation 379

Urban renewal - East Riverside - Statement of debt and assessed valuation 379, 380, 381

Urban Renewal - East Riverside - resolution calling election on bonds 381, 382, 383, 384

Urban renewal - protest of Miss McCoy 391

Urban Renewal - East Riverside - resolution canvassing result of bond election 391, 392, 393

Urban Renewal - East Riverside - resolution providing for recording, filing and publication of statement of result of bond election 393, 394

Urban renewal - Civic Redevelopment Project N. C. R-13 - notice of public hearing authorized 397

Urban Renewal - Civic Redevelopment Project N. C. R-13 - public hearing cancelled 399

Urban Renewal - Civic Redevelopment Project N. C. R-13 - recommendation of Redevelopment Commission - approval of City Council 400

Unnamed and unopened streets off Louisiana - resolution closing 403

Urban Renewal - Civic Redevelopment Project NC R-13 - approval of sale of land to YMCA 404

Urban Renewal - East Riverside - unopened right of way - request withdrawn - Robert L. Harrell 411

Urban Renewal - City Manager authorized to include branch library in East Riverside 420

Urban Renewal - East Riverside - filing of amendatory application for loan and grant in project 422

Urban Renewal - Civic Redevelopment Project - N.C. R-13 - public hearing set 426

PAGE

Urban Renewal - East Riverside - proposed rehabilitation plans - discussion 427

Urban Renewal - East Riverside - proposed rehabilitation plans - discussion 436

Urban Renewal - East Riverside - proposed rehabilitation plans - discussion [illegible]

Urban Renewal - Civic Redevelopment Project N. C. R-13 - public hearing - street lay-out plan approved 441, 442, [illegible]

Urban Mass Transportation Act of 1964, as amended, Asheville Transit Authority - application for grant 443

Urban Renewal - East Riverside - payment schedule set by Redevelopment Commission - Local Government Commission requested to set up funding schedule 445

Urban Renewal - East Riverside - City Manager to seek expansion of 446

Urban Renewal - Civic Redevelopment Project NC R-13 - sale of land to County postponed 446

Urban Renewal - Civic Redevelopment Project NC R-13 - Civic Arts Council asks city to reassess its position 447

Urban Renewal - Civic Redevelopment Project N. C. R-13 - Buncombe County asks city to reassess its position 447

Urban Renewal - East Riverside - Redevelopment bond anticipation notes 456, 457

Urban Renewal - sale of property in Civic Redevelopment Project NC R-13 to County of Buncombe - approved 460

Urban Renewal - bond anticipation notes sold 460

Urban Renewal - Civic Redevelopment Project - resolution authorizing filing of amendatory grant and loan 474

	PAGE
Vice-Mayor - Frank M. Mulvaney elected	113
Vanderbilt Apartments, Inc. - appointment of members to Board of Directors (Dan M. Furr, Harvey R. Bowman, Frederick A. Manchester)	167
Voting - registration requirements - discussion	193
Vanderbilt Apartments, Inc. - appointment of members to Board of Directors (Dan M. Furr,	227
[illegible]	[illegible]
Vivian Avenue - resolution setting date of public hearing on petition to close portion	374
Vivian Avenue - resolution closing portion	387
Vaughn, Carl - retires as Executive Director of Housing Authority	411
Vanderbilt Hotel property - request for lease for parking	418
Vanderbilt Motel property - City Manager authorized to proceed with lease	420
Vanderbilt Apartments, Inc. - resolution appointing Directors - action postponed	450
Vanderbilt Apartments, Inc. - resolution appointing Directors (Harvey Bowman, John C. Joyner)	457
Virginia Avenue - request to lower speed limit	461

	PAGE
White Pine Drive, paving authorized	10
WISE-TV - request to amend original request for franchise to operate community cable antenna TV	11
Wilburn, Harold C. - proposal to lease portion of Asheville Airport property	12
Westall, Mrs. James M. - appointed member of Recreation Board for Asheville	13
WISE-TV, Inc. - further proposal	30
Water heaters - hazards - discussion	30
White Transportation Company - plans for future improvement and increased service	34
White Transportation Company - augmented bus service to schools	35
Wilshire Park - petition - deed restrictions - zoning	36
Worley Place - paving authorized	45
Water - complaint of residents of Swannanoa area re pressure & trash	49
Water - protest of Miss McCoy re fluoridation	49
Water - report of City Manager re Supreme Court decision, fluoridation - Corporation Counsel to prepare ordinance and petition requesting vote on fluoridation	51
Water - further complaint of residents of Swannanoa - report of City Manager	54
Water - fluoridation - letters from First District Dental Auxiliary, Auxiliary to the Medical Society of Buncombe County, Shelby E. Horton, Jr. - request of Pure Water Association and Miss McCoy	55 56
Wilbur Smith & Associates - City Manager authorized to negotiate with re further study - Metropolitan traffic plan	58
Wilburn Associates, Inc. - lease of property near Airport	64
White Transportation Company - bus schedules - future plans for expansion, financial position - discussion	68
Wilbur Smith & Associates - City Manager authorized to negotiate with re further study - Metropolitan traffic plan	71
"Westwood" - plat approved under ordinance 424	72
Wage increase - policemen and firemen	79
Walls, Mrs. Ralph - resignation as member of Housing Authority	79
Water - Miss McCoy (calgon, caustic soda, chlorine)	81
Western North Carolina Regional Planning Commission - Metropolitan Planning Board - study of Community Facilities - discussion	81
Water - fluoridation - petitions asking for ordinance or election	88
Water - fluoridation - petitions asking for election	88
Water - protest of Miss McCoy over addition of calgon and caustic soda	98
White Transportation Company - asked to explain inadequate bus service	105
Workable Program for Community Improvement - Housing and Home Finance Agency requested to recertify	105
White Transportation Company - bus service - discussion	106
Weir, Weldon - reappointed City Manager	113
Wachovia Bank & Trust Company - named banking depository for city funds	113
Weekly meeting of Council - time	113
Westall, Miss Annie - appointed member of Library Board	121
Western North Carolina Regional Planning Commission - City Manager appointed ex officio member of	122
Wilburn Associates, Inc. - offer to purchase property near Airport	
William Street - [illegible]	
Water - bids authorized for [illegible] of Young Mountain R[illegible]	
Warren Brothers Co. - awarded contract for strengthening runway, taxiways and apron at Asheville Airport	156
Wages - increase requested by employees in Sanitary Department	159
Water - bids to be received for Young Mountain Reservoir	159
Water - cannot be tapped for subdivisions outside city unless they have complied with Subdivision ordinance	159
Water - bids on Young Mountain Reservoir - Report of City Manager	160
Water - contract for construction of Young Mountain Reservoir awarded to Crom Corporation	160
Wages - Sanitary Department - discussion	161
Wilburn, Harold C. - deed to for property on Fanning Bridge Road near Airport	163
Watershed - North Fork - 225 acres set aside to Society of American Foresters for research purposes	163
Wage increase - Sanitary Department - discussion	165
Watershed - Bee Tree - Request by National Park Service to encroach	167
Weir, Weldon - appointed to Board of Directors of Opportunity Corporation	170
Water heaters - warnin[illegible]	
White Transportation Company - bus service requested - Hi Alta, Appalachian Way, Deaverview Road, Huffman Road, Lakeside Drive	192
Wallace, Herbert A. - appointed [illegible] Board of Adjustment, Plannin[illegible] and Z[illegible]	
Water - complaint - Thurland Road	
Water line and sewer line encroachment under Southern Railway tracks - agreement authorized	203
Water line - encroachment under Southern Railway tracks - agreement authorized	203
Water and sewer conflicts due to construction of I-40 and I-26 - agreements with State Highway Commission (Alabama Avenue north to Hazel Mill Road)	207
Westall, Mrs. James M.- reappointed member of Recreation Board for Asheville	224
Water - rate increase - protest of The Trane Company	230
Water - rates established (United States Veterans Adm. Hospital at Oteen; Town of Biltmore Forest; Beacon Mfg. Co.; Mission Hospital;Gerber; Biltmore Dairies; Ball Brothers; Northrop Carolina; SKF Industries	234

PAGE

White Transportation Company - bus service - discussion 236

Water rates - protest of Miss McCoy 236

White Transportation Company - discussion - legality of transfer from Carolina Power & Light Company - opinion requested 237

White Transportation Company - report of Herschel Harkins, attorney 237

Water rates - protest of Miss McCoy 238

White Transportation Company - franchises - discussion - further opinion requested from Attorney General 242

White Transportation Company - bus service - discussion 250

Worley Place - petition to close part portion 25[illegible]

Wilkins, Joseph W. - appointed member of Recreation Board for Asheville 25[illegible]

White Transportation Company - franchise - Report of City Attorney - Counsel on opinion from Attorney General 25[illegible]

Worley Place - resolution setting date of public hearing on petition to close portion 259

Water rate amendment - Gerber Products Company 261

Weir, Weldon - remarks of Dr. Blackard re retirement 264

Worley Place - resolution closing eastern portion 268

Workable Program for Community Improvement - Department of Housing and Urban Development asked to recertify 278

Wilkins, Joseph S. - appointed member of Housing Authority of City of Asheville 296

Water rate - discussion - Metropolitan Sewerage District and rates 298

Wage Review Board for the City of Asheville - creation of and appointment of members (James W. Daniels, Walter A. Deal, Arthur E. Eve, Jr., Thomas D. McCurry, Philip R. Penland and Hal Tribble) 299

Water rates - discussion 300

Wachovia Bank & Trust Company - offer to lease certain property on Battery Park Avenue belonging to Tench C. Coxe for off-street parking 302

Water ordinance - to be amended to include sewer service charge 306

Wage Review Board - recommendations 306

Water - use of - rates - sewer charge - discussion 307

Water - request for extension of line - Fairview Men's Club 307

Western North Carolina Regional Planning Commission - appointment of City Manager as member 312

Water rates - protest of Miss McCoy on behalf of R. S. Wolfe 314

Wachovia Bank and Trust Company, trustee - lease for sanitary land fill 317

Weaver, W. T. Park - resolution of appreciation to Mr. & Mrs. Verne Rhoades for land 321

Water rates - protest of Miss McCoy 321

Wine and beer - Sunday sale requested 323

Water Department - departmental budget request 326

Wrestling - Boxing and Wrestling Commission - members appointed (Allmond H. Jones, Jr., Arthur York, and J. Y. Jordan, Jr.) 330

PAGE

White Transportation Company - [illegible] - Don S. James [illegible] 3[illegible]

Wilkins - Joseph W. - appointed member of Citizens Advisory Committee's Subcommittee on Minority Housing 346

Workable Program for Community Improvement - Department of Housing and Urban Development requested to approve 346

Water - agreement with Southern Railway System for encroachment 347

Water purification - letter of Mrs. Nora E. Wieters 347

White Transportation Company - report of Don S. James and Associates - transit study 352

Westwood Place - complaint about method of washing street 354

White Transporation Company - bus franchise - Carolina Power & Light Company - discussion 35[illegible]

Water heaters - public urged to have inspected for defects 356

White Transportation Company - request for service - Mrs. Jack Smith 357

Water - penalty for poisoning - Miss McCoy - discussion 36[illegible]

White Transportation Company - statement of City Manager re creation of Transportation Authority 3[illegible]

White Transportation Company - service - discussion 3[illegible]

White Transportation Company - report of City Manager - Transportation Authority authorized - City Manager authorized 37[illegible]

Water - leakage - policy of city - discussion 3[illegible]

Wall, Robertson - appointed as Corporation Counsel 390

Weldon Weir - resignation as City Manager 3[illegible]

Weldon Weir - remarks of Councilman Algary 3[illegible]

Water problem - Jersey Street 4[illegible]

Westall, Mrs. James - use of Aston Park for auditorium, convention center opposed 415

West Asheville Business Assn. - endorses use of Aston Park for Auditorium-Convention Center 419

Weir - Weldon - asked to reconsider formal resignation 426

Water rate set for Phillips Industries 445

Water rates - decrease requested 445

West Asheville Bridge - request of West Asheville Business Association 459

Wilmington Street - request to close portion 461

Wallace, Herbert - appointed member of Board of Adjustment 461

Wilmington Street - resolution setting date of public hearing on petition to close portion 462

Weir, Weldon - resignation accepted 467

Wilmington Street - resolution to close portion - not adopted 469

PAGE

Weir, J. Weldon - resolution of commendation and appreciation 475

Weir, J. Weldon - expresses appreciation 476

	PAGE
Youngblood, T. O. - offer to purchase property near Asheville Airport	114
York, Arthur - reappointed member of Boxing and Wrestling Commission	134
Young Mountain Reservoir - bids [illegible] for construction of	154
Young Mountain Reservoir - bids to be received	159
Young Mountain Reservoir - bids - report of City Manager	160
Young Mountain Reservoir - contract awarded to Crom Corporation	160
York, Arthur - lease of space for off-street parking	191
YMCA - request that city release its lease on Asheland Avenue school property - granted	233
Youth - Asheville-Buncombe County Youth Council	302
Youth - Asheville-Buncombe County Youth Council - Advisory Board - appointment of members (Mrs. Sylvia Airheart, Jack Belt, L. D. Burton, Rev. Robert Busey, William H. Haggard, William M. McMurray, William C. Morris, Jr., Rev. Joseph Showfety, Luther Thigpen, Mrs. Jack Tessier, H. H. Zeugner)	306
York, Arthur - reappointed member of Boxing and Wrestling Commission	330
Young, Don C. and Audrey Mendez and husband; William R Travis and wife; Lena Lyle and husband; Hugh A. Travis and wife - lease - off-street parking	356
Youth Appreciation Day - plans for	387
Youth Appreciation Day - student official	394
YWCA - approval of City Council - sale of land in Civic Redevelopment Project NC R-12	404

PAGE

	PAGE
Zoning Ordinance - Recommendation of Planning and Zoning Commission (Apartment House District and other revisions)	1
Zoning ordinance - recommendation of Planning and Zoning Commission (Vaillancourt property, Leicester Highway)	9
Zoning ordinance - recommendation (Lot 58½, Sheet 10, Haw Creek, Estate of R. W. Johnson)	9
Zoning ordinance - amendment requested (Lots 91 and 92, Sheet 11, Ward 2, Mary Jane Pegram)	11
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 91, Sheet 11, Ward 2, Mary Jane Pegram)	13
Zoning ordinance - recommendation of Planning and Zoning Commission re zoning territory annexed by Ordinance 499 (Shiloh section)	18
Zoning ordinance - recommendation of Planning and Zoning Commission - Lot 91, Sheet 11, Ward 2 - upheld by City Council	32
Zoning ordinance - petition for rezoning (Town Mountain Road area)	32
Zoning ordinance - petition for rezoning Lot 44, Sheet 4, Ward 2 (Merrimon & Hillside, Giezentanner)	34
Zoning ordinance - recommendation of Planning and Zoning Commission - Lots 101, 102, 103, 284, 104, 104-1/2, and 285, Ward 3, Sheet 2, and Lots 62 and 63, Ward 3, Sheet 13	36
Zoning ordinance - recommendation of Planning and Zoning Commission - Lot 4-1/2, Sheet 4, Ward 2	37
Zoning ordinance - recommendation of Planning and Zoning Commission - property between Town Mountain Road and RA-M Residential District	36
Zoning ordinance - amendment requested (Lot 3½, Sheet 20, Ward 6, Hoyle A. Sellers	46
Zoning ordinance - amendment requested (area generally bounded by Colonial Place, Mt. Vernon Circle, Larchmont Street and Horizon Hill)	49
Zoning ordinance - recommendation of Planning and Zoning Commission (property annexed by Ordinance 505, Governor's Mansion)	51
Zoning ordinance - amendment requested (Lot 65, Sheet 20, Ward 6 - James S. Sluder)	51
Zoning ordinance - amendment requested (Lots 72, 29¼, 56, 29, 29¼, 29-3/4, 31½, Haw Creek Ward, Sheet 34, Alexander Investment Company and others)	55
Zoning ordinance - recommendation of Planning and Zoning Commission (Alexander Investment Company and others, Tunnel Road)	57
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 65, Sheet 20, Ward 6, James S. Sluder)	57
Zoning ordinance - amendment requested (Intersection of Louisiana Avenue and New Patton Avenue)	58
Zoning ordinance - amendment requested (Lot 144, Sheet 17, Haw Creek Ward - G. W. Metcalf)	63
Zoning ordinance - amendment requested (Lots 409, 410, 411, Sheet 6, Ward 9, Mrs. Dell Pothier)	63
Zoning ordinance - protest re rezoning of Lot 65, Sheet 20, Ward 6, property of James S. Sluder	65
Zoning ordinance - amendment requested (Shorewood Drive)	68
Zoning ordinance - amendment requested (Lot 126, Sheet 20, Ward 8 (Britt & Tilson Co. and C. A. Young)	70

	PAGE
Zoning ordinance - amendment requested - Lot 218, Sheet 11, Ward 5 (Reed Hawkins)	
Zoning ordinance - amendment requested - Signs in Neighborhood Trading Area	71
Zoning ordinance - amendment requested - (Lot 6, Ward 1, Sheet 3, L. C. Young)	72
Zoning ordinance - amendment requested (Lot 126, Sheet 20, Ward 8 - Britt & Tilson Co. and C. A. Young)	72
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 409, 410, 411, Sheet 6, Ward 9, Mrs. Dell Pothier)	73
Zoning ordinance - recommendation of Planning and Zoning Commission (Shorewood Road and Lakeshore Drive)	73
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 63-1/4, 70-1/4, 63, part of Lots 70-1/2 and 86, Sheet 17, Ward 6 - G-K, Inc.)	73
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 142, Sheet 17, Haw Creek, G. W. Metcalf)	74
Zoning ordinance - recommendation of Planning and Zoning Commission (property annexed by Ordinance 511)	74
Zoning ordinance - recommendation of Planning and Zoning Commission - RESTRICTED BUSINESS DISTRICT	74
Zoning ordinance - recommendation of Planning and Zoning Commission - Chester Cogburn and Wesley Vrable (near Malvern Hills)	76
Zoning ordinance - recommendation of Planning and Zoning Commission (Mrs. Bertha Shook Rymer, W. P. Croom - Arco Road)	77
Zoning ordinance - amendment requested (Leicester Highway, Z. R. Sheppard and others)	80
Zoning ordinance - amendment requested (Deaverview Road, Malvern Finance and Sales Corporation)	80
Zoning ordinance - amendment requested (Lots 127, 129, 139, 131, Sheet 20, Ward 8 - Homer S. Robinson)	81
Zoning ordinance - Council to inspect site of proposed shopping center near Malvern Hills	81
Zoning ordinance - recommendation of Planning and Zoning Commission (portion of Happy Valley recently annexed)	82
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 218, Sheet 11, Ward 5 - Reed Hawkins)	82
Zoning ordinance - amendment requested (Lots 133, 134 and 135, Haw Creek Ward, Sheet 20 - R. L. Bailey)	83
Zoning ordinance - amendment requested (Perry A. Dillingham property, School Road)	83
Zoning ordinance - amendment requested (Lot 36, Sheet 11, Ward 8 and Lot 130, Sheet 10, Ward 8 - J. Baker McCallagh)	90
Zoning ordinance - amendment requested (Certain lots bordering on Patton Avenue (Ward 6, Sheet 14 - Joe C. Harrison and others)	90
Zoning ordinance - recommendation of Planning and Zoning Commission (Perry A. Dillingham property, School Road)	90

PAGE

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 133, 134 and 135, Sheet 20, Ward 8 - R. L. Bailey) 90

Zoning Ordinance - recommendation of Planning and Zoning Commission (Leicester Highway, Z. R. Sheppard and others) 91

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 5, 6 and 7½, Sheet 19, Ward 6 - Malvern Finance and Sales Corporation) 91

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 127, 128, 129, 130 and 131, Sheet 20, Ward 8 - Homer S. Robinson) 91

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lot 126, Ward 8, Sheet 20, Pritt and Tilson Glass Company and C. A. Young) 92

Zoning Ordinance - recommendation of Planning and Zoning Commission (Setback, Commercial, Business and Industrial, and elimination of numbers in Section 19 - Definitions) 92

Zoning ordinance - amendment requested (Lots 133, 134, 135, Haw Creek Ward, Sheet 20 - R. L. Bailey) 99

Zoning ordinance - recommendation of Planning and Zoning Commission - Lot 6, Ward 1, Sheet 3, and Lots 7, 7½, and 8, Ward 1, Sheet 3, and portion of Lot 2, Ward 2, Sheet 19 - L. C. Young 99

Zoning Ordinance - recommendation of Planning and Zoning Commission - Lot 36, Sheet 11, Ward 8 - J. Baker McCullah 100

Zoning Ordinance - recommendation of Planning and Zoning Commission - Lots 103, 104, 105, 106, 107, 125, 126, and 128, Sheet 14, Ward 6 - Harrison and others 100

Zoning Ordinance - recommendation of Planning and Zoning Commission - Lots 133, 134 and 136, Ward 8, Sheet 20 - R. L. Bailey 107

[illegible] 107

[illegible] 107

Zoning ordinance - amendment requested - Charlotte Street, between Orchard and Clayton 114

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 4, Sheet 11, Ward 6, R. P. Ingle) 122

Zoning ordinance - Charlotte Street between Orchard and Clayton - recommendation of Planning and Zoning Commission 123

Zoning ordinance - recommendation of Planning and Zoning Commission - Grove Street between Patton Avenue and Hilliard 123

Zoning ordinance - recommendation - signs (Neighborhood Trading and Roadside Business) 123

Zoning ordinance - recommendation of Planning and Zoning Commission (Changes and Amendments Section 124

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 82, 82½, 81, Sheet 3, Ward 4 - Hyman Dave) 125

Zoning ordinance - amendment requested (Lot 116, Sheet 21, Haw Creek - R. L. Coleman Company) 128

Zoning ordinance - proposed amendment - signs (Neighborhood Trading and Roadside Business - action deferred) 134

Zoning ordinance - proposed amendment (Changes and Amendments Section) - action deferred 135

Zoning ordinance - amendment requested (Deaverview Road - Al Rodgers) 135

Zoning ordinance - no fee required for amending 136

Zoning ordinance - recommendation of Planning and Zoning Commission - Deaverview Road, Al Rodgers) 137

PAGE

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 116, Sheet 21, Haw Creek) - R. L. Coleman 137

Zoning ordinance - recommendation of Planning and Zoning Commission - Deaverview Road - Al Rodgers (2nd recommendation) 139

Zoning ordinance, recommendation of Planning and Zoning Commission (Lot 2-1/2, Sheet 21, Ward 8 - R. L. Coleman - 2nd recommendation) 139

Zoning ordinance - amendment requested (Unity Center of Asheville - McDowell St.) 147

Zoning ordinance - amendment requested (J. D. Baker, Governor's View Road) 149

Zoning ordinance - discussion re J. D. Baker request 151

Zoning ordinance - recommendation of Planning and Zoning Commission (Unity Center of Asheville - McDowell St.) 154

Zoning ordinance - amendment requested - Lot 1-5, Sheet 2, Ward 4 (Electric Supply Co) 154

Zoning ordinance - amendment requested (Lots 45 and 46, Sheet 11, Ward 8 - First Union National Bank) 156

Zoning - amendment requested (Lot 192, Sheet 13, Ward 8 - Humble Oil & Refining Co.) 156

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 165, Sheet 2, Ward 4, Electric Supply Co.) 162

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 251, Sheet 13, Ward 8, Mr. & Mrs. J. D. Baker) 162

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 45 & 46, Sheet 11, Ward 8 - Estate of R. W. Johnson) 162

Zoning ordinance - recommendation of Planning & Zoning Commission (Lot 192, Sheet 13, Ward 8 - Humble Oil & Refining Co.) 163

Zoning ordinance - amendment requested (Lots 103, 104, Sheet 14, Ward 6, Joe C. Harrison) 170

Zoning ordinance - amendment requested (extend zoning 1 mile beyond city limits, Board of Commissioners of Buncombe County) 171

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 103, 104, Sheet 14, Ward 6, Joe C. Harrison) 173

Zoning ordinance - recommendation of Planning and Zoning Commission (Extraterritorial zoning and related enforcement controls) 174

Zoning ordinance - recommendation of Planning and Zoning Commission (Fee for zoning request and reasonable time limit on frequency of submitting requests) 176

Zoning ordinance - amendment requested (Marcellus Street north of Expressway and west of Merrimon Avenue) 177

Zoning ordinance - extension of zoning one mile - resolution of Asheville Board of Realtors supporting 177

Zoning ordinance - resolution setting date of public hearing to consider zoning one mile beyond city limits 178

Zoning outside city limits - discussion 180

Zoning ordinance - recommendation of Planning and Zoning Commission - day nurseries and kindergartens, and clarification of front yard requirements on through streets 181

Zoning ordinance - further amendment requested, Marcellus Street 183

PAGE

Zoning ordinance - amendment requested - [illegible] 363½, 363½, 440, Sheet 16, Ward [illegible] City) 183

Zoning Ordinance - Outside City - Public [illegible] - resolution directing Planning [illegible] Commission to proceed with study 183

[illegible] - Outside City - protest of E. [illegible] 183

[illegible], Marcellus St. [illegible] and Maxwell St. 183

Zoning Ordinance - recommendation of Planning and Zoning Commission (Marcellus, Maxwell and Bordeaux Streets) 184

Zoning - resolution requesting Board of County Commissioners to appoint members to Planning and Zoning Commission under Section 160-181.2 of General Statutes 185

Zoning ordinance - amendment requested - portion of Riverside Drive 188

Zoning - resolution of County Commissioners appointing members to Planning and Zoning Commission (Joe A. Pless, W. Herbert DeWeese, E. B. Roberts, Coleman Jones, and William C. Sayre) 189

Zoning ordinance - amendment requested (67 lots fronting on Amboy Road - Scott Dillingham) 189

Zoning and Planning, Board of Adjustment - Resignation of Herschel Harkins 194

Zoning and Planning, Board of Adjustment - Appointment of member (Herbert A. Wallace) 194

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 361, etc., above City) 198

Zoning Ordinance - recommendation of Planning and Zoning Commission - portion of Riverside Drive. 199

Zoning Ordinance - recommendation of Planning and Zoning Commission (67 lots fronting on Amboy Road - Scott Dillingham) 199

Zoning Ordinance - amendment requested - Permit museum, art gallery, park, etc. in R-3 Residential (Seeley's Castle - Sternberg) 201

Zoning Ordinance - amendment requested - Property on Clingman near intersection of Patton (R. S. Dillard, Jr., Agent) 202

Zoning Ordinance - recommendation of Planning and Zoning Commission (67 lots fronting on Amboy Road - Scott Dillingham) 204

Zoning Ordinance - recommendation of Planning and Zoning Commission (Clingman Avenue - R. S. Dillard, Jr., Agent) 205

Zoning ordinance - amendment requested North Louisiana Avenue from Patton Avenue to Hazel Mill Road 207

Zoning ordinance - recommendation of Planning and Zoning Commission (Seeley's Castle - Sternberg) 208

Zoning ordinance - amendment requested (Beaver Dolat Park) 212

Zoning ordinance - amendment requested (Lot 1-1/4, Sheet 3, Biltmore - Lynn Corporation) 213

Zoning ordinance - recommendation of Planning and Zoning Commission (Property on North Louisiana between Patton Avenue and Hazel Mill Rd.) 213

Zoning ordinance - recommendation of Planning and Zoning Commission (property in Haw Creek - Clyde Mann - annexed by Ordinance 532) 213

Zoning ordinance - amendment requested (Property on Sheets 13 and 14 of Ward 2 and Sheet 5 of Ward 9 - Sunset Mountain Home Owners' Association) 215

PAGE

Zoning ordinance - amendment requested (Lots 94 through 100, Sheet 19, Ward 4 216

Zoning ordinance - amendment requested (Lot 225, Roebling Circle) 216

Zoning ordinance - amendment requested (Lots 165 to 173, Ward 7, Sheet 2, Forest Service) 22

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 165 thru 173, Sheet 28, Ward 7 - Forestry Service) 226

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 1 thru 15, Sheet 23, Ward 9 - Palmer and others) 226

Zoning ordinance - amendment requested (Lots 57 and 58, Sheet 8, Ward 6, east side of Louisiana Ave. - Mrs. Edna L. White) 226

Zoning ordinance - recommendation of Planning and Zoning Commission (property annexed by Ordinance 536 - Eastwood Forest) 227

Zoning ordinance - recommendation of Planning and Zoning Commission - Lot 225, Sheet 19, Ward 4 (Freel) 227

Zoning ordinance - recommendation of Planning and Zoning Commission - (Lots 57 and 58, Sheet 8, Ward 6, Mrs. Edna L. White) 230

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 1-1/4, Sheet 3, Ward 7, The Lynn Corporation) 230

Zoning ordinance - recommendation of Planning and Zoning Commission (Property on Sheets 13,Ward 2, & 5, Ward 9, Sunset Mountain Home Owners' Association) 230

Zoning ordinance - amendment requested (Mrs. Edna L. White - Lots 57 and 58, Sheet 8, Ward 6) 233

Zoning ordinance - amendment requested - (Lot 1, Sheet 18, Ward 2 - Shell Oil Company) 236

Zoning ordinance - amendment requested - (Lakeshore Drive and Shorewood Drive) 238

Zoning ordinance - amendment requested - (Ridge Avenue, Oakley - Wiggins) 238

Zoning ordinance - amendment requested - (Lots 133, 134, 135 and 137, Sheet 20, Ward 8 - R. L. Bailey) 239

Zoning ordinance - recommendation of Planning and Zoning Commission (Mrs. Edna L. White - Lots 57 and 58, Sheet 8, Ward 6) 2[illegible]

Zoning Ordinance - recommendation of Planning and Zoning Commission - (Lots 94 - 100, Sheet 19, Ward 4) 239

Zoning Ordinance - recommendation of Planning and Zoning Commission (Lot 1, Sheet 18, Ward 2 - Shell Oil Co.) 240

Zoning Ordinance - recommendation of Planning and Zoning Commission (All property of Lakeview Estates Subdivision in Plat book 26 page 46) 240

Zoning Ordinance - recommendation of Planning and Zoning Commission (All property from Biltmore Viaduct to Overpass on McDowell) 241

Zoning Ordinance - recommendation of Planning and Zoning Commission (All property east of Macon Avenue) 240

PAGE

Zoning Ordinance - amendment requested (103 Edgewood Road - Mamie C. Presley) 244

Zvoda, Walter - nuisance complaint 246

Zoning ordinance - amendment requested (119 Haywood Road, Walter Zvoda) 246

Zoning ordinance - amendment requested - Lot 110, Sheet 8, Ward 9 - Jewett 250

Zoning ordinance - amendment requested - (Lot 4½, Sheet 19, Ward 6 - M. B. Haynes Electric Co.) 253

Zoning ordinance - recommendation of Planning and Zoning Commission (error on McDowell Street zoning) 252

Zoning ordinance - recommendation of Planning and Zoning Commission (103 Edgewood Road - Mamie C. Presley) 253

Zoning ordinance - recommendation of Planning and Zoning Commission (Ridge Ave. - Wiggins) 254

Zoning ordinance - recommendation of Planning and Zoning Commission (R. L. Bailey) 254

Zoning ordinance - recommendation of Planning and Zoning Commission (Walter Jewett) 254

Zoning ordinance - recommendation of Planning and Zoning Commission (Zvoda) 255

Zoning ordinance - recommendation of Planning and Zoning Commission - Sandon Drive Apartments 256

Zoning ordinance - amendment requested - (Sandon Drive, Hy-Vu, Horizon Hill) 256

Zoning ordinance - information re title to Connie Wiggins property 257

Zoning ordinance - amendment requested - (Lots 61 and 62, Ward 8, Sheet 20 - W. L. Maynard) 258

Zoning ordinance - recommendation of Planning and Zoning Commission (Jesse Wiggins) 260

Zoning ordinance - recommendation of Planning and Zoning Commission (Horizon Hill, Colonial Place, Sandon Drive, etc.) 260

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 4½, Sheet 19, Ward 6 - M. B. Haynes Electric Corporation) 260

Zoning ordinance - request for rezoning - Lot 120, Sheet 16, Ward 2 - A. M. Smith 263

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 133-137, Sheet 20, Ward 8, R. L. Bailey 266

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 61-65, Sheet 20, Ward 8 - W. L. Maynard 267

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 120, Sheet 16, Ward 2 - A. M. Smith) 267

Zoo - discussion re money received from fire at Recreation Park 270

Zoning ordinance - amendment requested (Lot 102, 104, Sheet 14, Ward 6 - Harrison) 271

Zoning ordinance - amendment requested (Patton Avenue near intersection with Leicester Highway - Ledford)

Zoning - request of A. M. Smith - Lot 120, Sheet 16, Ward 2 - referred back to Planning and Zoning Commission 278

Zoning ordinance - Recommendation of Planning & Zoning Commission (Lot 103, 104, Sheet 14, Ward 6 - Harrison) 279

Zoning ordinance - recommendation of Planning & Zoning Commission (Patton Avenue near intersection with Leicester Highway - Ledford) 279

PAGE

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 120, Sheet 16, Ward 2 - Smith) 280

Zoning Ordinance - Lot 120, Sheet 16, Ward 2 - Protest of W. Harold Sams 281

Zoning ordinance - amendment requested (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 283

Zoning ordinance - amendment requested (Lot on east side of Central Avenue, North of Orchard St. - Ashley Enterprises) 283

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 290

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot on east side of Central Avenue, North of Orchard St. - Ashley Enterprises) 290

Zoning ordinance - amendment requested (10 foot strip on northern margin of Lots 141, 142 and 142½, Sheet 6, Ward 5 - Atkins-Harper Lumber Co.) 292

Zoning ordinance - amendment requested (36 Mace Avenue - Mrs. Bobbie Banner) 299

Zoning ordinance - Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith - referred back to Planning and Zoning Commission 299

Zoning ordinance - petitions in support of rezoning requested (36 Mace Avenue) 302

Zeugner, H. H. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council 306

Zoning ordinance - amendment requested - Portion of Lot 49, Sheet 11, Ward 8 (Bosworth) 307

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 1, 1-1/4, 1-1/2, 2, Sheet 14, Ward 5 - Homer C. Smith) 311

Zoning ordinance - recommendation of Planning and Zoning Commission (10 foot strip on northern margin of Lots 141, 142, 142½, Sheet 6, Ward 5, Atkins-Harper Lumber Co.) 311

Zoning ordinance - recommendation of Planning and Zoning Commission (36 Mace Avenue - Bobbie Banner) 311

Zoning ordinance - amendment requested (Al Rodgers, Ward 5) 313

Zoning ordinance - amendment requested (Horizon Hill between Colonial Place and Sandon Drive Extension) 318

Zoning ordinance - amendment requested (Billiard zoning for Northland Shopping Center) 318

Zoning ordinance - recommendation of Planning and Zoning Commission (Ward 5 - Request of Al Rodgers) 323

Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 49, Sheet 11, Ward 8, Bosworth) 324

Zoning ordinance - amendment requested (Ward 4, Sheets 2 and 5 - Housing Authority) 333

Zoning ordinance - recommendation of Planning and Zoning Commission (Horizon Hill area) 338

Zoning ordinance - amendment requested - Lots 133, 134, 135, Ward 8, Sheet 20 - (Clendenin Realty Company) 347

PAGE

Zoning ordinance - amendment requested - (Petition - Barnard St. and Hyannis Dr. area) 347

Zoning ordinance - recommendation of Planning and Zoning Commission (Request of Housing Authority) 348

Zoning ordinance - amendment requested (Biltmore Avenue-McDowell Street - Keep Asheville Beautiful Committee 351

Zoning ordinance - amendment requested (Lot 4, Sheet 24, Ward 5 - Mrs. L. Dale Thrash) 354

Zoning ordinance - amendment requested (Lots 46, 122, 128, 129, 130, Ward 9, Sheet 7, Louis and Jessie Roberts) 354

Zoning ordinance - amendment requested (Lots 41 thru 43, Lots 46 thru 56, Ward 6, Sheet 8, rear portion of Lots 426, 427, 428, Hazel Ward, Sheet 4 - J. V. Shoemaker and C. B. Ledford) 354

Zoning ordinance - amendment requested (Lots 3, 4, 4½, 234, 4-3/4, 139, Ward 5, Sheet 14 - Hester, Roberts) 354

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 46, 122, 128, 129, 130, Ward 9, Sheet 7, Louis and Jessie Roberts) 365

Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 132, 133, 134, 135, Sheet 20, Ward 8 - R. L. Bailey) 365

Zoning ordinance - recommendation of Planning and Zoning Commission (Hyannis Drive - Mrs. Bruce Frey and others) 366

Zoning ordinance - Planning and Zoning Commission reaffirms position on rezoning of property in Horizon Hill area) 366

Zoning ordinance - amendment requested (Ward 8, Sheets 19 and 35 - Cecil J Taggart and others) 369

Zoning ordinance - amendment requested (Northwest corner of Patton Avenue and Druid Drive, Smathers Realty & Insurance) 369

Zoning ordinance - amendment requested (Lot 2½, Sheet 2, Ward 3) 372

Zoning request - Lots 94 and 93, Ward 6, Sheet 30, Beaverview Road - Ernest H. Lawing 374

Zoning ordinance - amendment requested - Ward 3, Sheet 8, Lot 24, and Ward 3, Sheet 4, Lot 6 - Hughes and Tipton 374

Zoning ordinance - amendment requested (Lot 80, Sheet 19, Ward 8 - Nancy Parker) 384

Zoning ordinance - amendment requested (Petition - Patton Avenue) 384

Zoning ordinance - recommendation of Planning and Zoning Commission - Cecil J. Taggart, et al) 385

Zoning ordinance - recommendation of Planning and Zoning Commission - Emil D. Young) 385

Zoning ordinance - recommendation of Planning and Zoning Commission - Patton Avenue 385

Zoning ordinance - recommendation of Planning and Zoning Commission - Ernest H. Lawing 385

Zoning ordinance - recommendation of Planning and Zoning Commission - Mrs. L. Dale Thrash 385

Zoning ordinance - recommendation re alternate members to Board of Adjustment 385

Zoning ordinance - amendment requested (portion of Lot 83, Sheet 11, Ward 5, S. D. Stroup) 387

...ed improvements 390

Zoning ordinance - recommendation of Planning and Zoning Commission (portion of Lot 83, Sheet 11, Ward 5, L. D. Stroupe) 395

PAGE

Zoning ordinance - amendment requested (Clingman Avenue - Rudolph Gay and wife) 396

Zoning ordinance - amendment requested (Patton Avenue - petition) 396

Zoning ordinance - recommendation of Planning & Zoning Commission (Clingman Avenue - Rudolph Gay and wife) 4...

Zoning ordinance - recommendation of Planning & Zoning Commission (Patton Avenue - petition) ...

Zoning ordinance - amendment requested - (Haywood Road - Lawrence and others) ...

Zoning ordinance - amendment requested - (Joyner Avenue - Smith and others) ...

Zoning ordinance - ... Lot 17½, Sheet 16, Ward 2 - Patt...

Zoning ordinance - ... Planning Commission ... Sheet 8, Ward ...

Zoning ordinance - ... 22½-2, Sheet ... Mace ...

Zoning ordinance - ... Commission ... Institute ..., 8 ... Neighborhood ...

Zoning ordinance - ... property ... New Park ...

Zoning ordinance - recommendation of Planning and Zoning Commission - Mrs. F. M. Patton 413

Zoning ordinance - recommendation of Planning and Zoning Commission)Lots 8, 9, 9½, 10, 10½, 11, sheet 1, Ward 6 - Lawrence) 414

Zoological Garden Study Commission - invited to meet in Asheville 416

Zoological Garden Study Commission - Asheville to be included in 1969 report to General Assembly 420

Zoning ordinance - recommendation of Planning and Zoning Commission - rear dwelling prohibited; all lots to have street access 421

Zoning ordinance - amendment requested - Howland Road area ...

Zoning ordinance - amendment requested - (Lots 14, 15, Sheet 18, Ward 7, Hall J. Hensley) 440

Zoning ordinance - amendment requested - (Sky Club property - Emma D. Adler) 440

Zoning ordinance - recommendation of Planning and Zoning Commission (Howland Road, Sunset Mountain area) 440

Zoning ordinance - recommendation of Planning and Zoning Commission (Sky Club property, Emma Adler 458

Zoning ordinance - recommendation of Planning and Zoning Commission - request of Hall J. Hensley, Lots 14, 15, Sheet 18, Ward 7 459

Zoning Ordinance - recommendation of Planning and Zoning Commission - Lots 16, 17 and 17-1/4, Sheet 18, Ward 7, and Lots 71, 72, 73, 73-1/2, 74, 74-1/4, 158, 159, and 160, Sheet 5, Ward 7, 459

A B C D E F G H I J K L Mc M N O P R S T U V W Y Z FRONT

	PAGE
Zoning Ordinance - request for rezoning Lots 67 through 70, Sheet 13, Ward 6, Rex Smathers, Jr.	459
Zoning ordinance - amendment requested 2 lots adjoining West Chapel Road and Reed Street	461
Zoning Ordinance - recommendation of Planning and Zoning Commission - Lots 67 through 70, Sheet 13, Ward 6, Rex Smathers, Jr.	463
Zoning ordinance - amendment requested (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward	465
Zoning ordinance - amendment requested (Lot 7 and 76, Sheet 22, Ward 6)	467
Zoning ordinance - amendment requested (excavations before buffer zones)	470
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 21 and 22, Sheet 5, Ward 7)	470

PAGE

Thursday, June 25, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 25, 1964, at 4:00 o'clock P. M. with Mayor E. W. Hiller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph A. Morris, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Harry Winner protesting the increase in license and privilege taxes, and comparing this increase with ad valorem taxes.

The City Manager advised that the comparison with ad valorem taxes could be referred to the Board of Tax Supervision.

A letter was received from the Planning and Zoning Commission recommending the creation of an Apartment House District north of the Crosstown Expressway to Chestnut Street for its full length to its intersection with Pearson Drive, then extending in a line to the French Broad River, and certain other revisions.

June 25, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a special meeting of the Asheville Planning and Zoning Commission held Tuesday, June 23, 1964, it was moved by Mr. Redmond, seconded by Mr. Felder and unanimously passed that the Commission recommend that Ordinance #322, the Asheville Zoning Ordinance, be amended as indicated on the attachment.

Eight (8) copies of the amendments proposed in the attachment are enclosed. Also enclosed are three (3) copies of the boundary description of the proposed RA-M Residential District and two (2) maps of the proposed RA-M Residential District.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

PROPOSED AMENDMENTS TO

ORDINANCE #322, ASHEVILLE ZONING ORDINANCE

The following major changes are proposed to the Asheville Zoning Ordinance:

1. Add Section 3.1, RA-M Residential and Office District to present Zoning Ordinance. Insert immediately following Section 3, between RA-8 and RA-6.

2. Strike all of Section 9 from present Ordinance and add proposed amendment titled Section 9. Exceptions.

   This amendment includes the general language and intent of the existing Section 9 with the following major changes and additions:

   a. Height limitation of 96 feet is omitted.

   b. A group development section is added requiring site plan approval by the City Council for housing developments, industrial parks, shopping centers, mobile home parks, large retail establishments, etc.

3. Strike all of Section 10 from present Ordinance and add proposed amendment titled Section 10. General Regulations.

   This amendment carries forward the existing regulations on non-conforming uses and adds the following major changes:

   a. Off-street parking and loading requirements, now scattered through the present ordinance, are consolidated and strengthened in this Section.

   b. Mobile Homes - The existing trailer regulations, now contained in Section 9.1, with the exception of regulations for mobile home parks which are handled in the amendment to Section 9, are carried over to this location.

The following minor changes are proposed to adjust the Ordinance for the new amendments:

1. Strike all references to off-street parking in each of the district regulations and add the following phrase where appropriate for each district:

   "Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 10-B of this Ordinance."

2. Add attached definitions to Section 19 of existing ordinance.

3. In Section 5.1 of the present Ordinance strike all of A-1 and insert the following:

   A. Uses Permitted.

      1. Any use permitted in RA-M Residential District provided that all residential structures shall comply with all area and dimensional requirements of the RA-M District.

4. Strike D.2 and D.3 of Section 2 from the present ordinance. (The general language and intent of D.2 is contained in Section 10, Paragraph D. of the proposed amendment. The general language and intent of D.3 is contained in Section 9, Paragraph D. of the proposed amendment.)

The above recommendations were accepted by the Council, and the Council instructed the Corporation Counsel to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held on July 16, 1964.

A proposed permit to National Trans-Video, Inc. to operate and maintain a community antenna television system and closed-circuit television system in the City of Asheville was presented, and same was referred to the Corporation Counsel for study.

The City Manager advised that in view of the discussions on the proposed new Housing Code it is suggested that the Council give consideration to amending the Ordinance as follows:

That Item f., subsection (4), of Section 967 be deleted from said ordinance.

That Item a., subsection (5) of Section 967 be deleted from said ordinance, and the following inserted in lieu thereof:

a. All units furnished with heating facilities shall have such facilities properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms.

Councilman Sumner moved that Item c., subsection (2) of Section 967 relating to screens, and Item f., subsection (5) of Section 967 relating to hanging chimneys also be deleted from said ordinance, which motion was seconded by Councilman Mulvaney.

The matter was discussed by members of the Council, and Councilman Algary stated he did not think the provision relating to screens should be deleted, and offered a substitute motion that the amendments suggested by the City Manager and the amendment suggested by Councilman Sumner relating to hanging chimneys be adopted by the Council, which motion was seconded by Councilman Morgan.

A vote was taken and the substitute motion was unanimously adopted.

Miss Fannie McCoy again spoke in opposition to said ordinance, and particularly the certificate of occupancy provision. Mr. Henry Fisher also spoke in opposition.

Speaking for said ordinance were Mrs. J. O. McCollum, representing the Asheville YWCA Board of Directors; Mrs. F. A. Plummer, representing the United Churchwomen; and the Rev. Armin C. Draegert, representing the Ministerial Association of Asheville and Buncombe County.

Following the discussion, Ordinance No. 498, being "AN ORDINANCE REPEALING SECTIONS 959 THROUGH 975, AS AMENDED, AS CONTAINED IN THE CODE OF THE CITY OF ASHEVILLE (1945), ALSO KNOWN AS ORDINANCE #298, AND ADOPTING A NEW HOUSING CODE OF THE CITY OF ASHEVILLE", as amended at this meeting, was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote: Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan and Mayor Eller; Nays: None.

ORDINANCE NO. 498

AN ORDINANCE REPEALING SECTIONS 959 THROUGH 975, AS AMENDED, AS CONTAINED IN THE CODE OF THE CITY OF ASHEVILLE (1945), ALSO KNOWN AS ORDINANCE #298, AND ADOPTING A NEW HOUSING CODE OF THE CITY OF ASHEVILLE

WHEREAS, changing conditions and increasing demands and use of housing facilities in the City of Asheville have necessitated a revision of Article 25 of The Code of the City of Asheville which encompasses Sections 959 through 975, and said article and sections should be repealed and a new Housing Code adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Article 25 of the Code of the City of Asheville (1945), also known as Ordinance #298, as amended, be and the same is hereby repealed, and in lieu thereof the following sections are hereby enacted:

HOUSING CODE
OF THE
CITY OF ASHEVILLE
ARTICLE 15

959. TITLE.

The rules and regulations prescribed by this Article shall be known and may be cited as "The Housing Code of the City of Asheville," and will be referred to hereafter as "this code."

960. EXERCISE OF POLICE POWER; AUTHORITY.

The City Council hereby finds and declares that there exists in the City of Asheville, housing which is unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light or sanitary facilities; and other conditions rendering such housing unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the City of Asheville; and that a public necessity exists to exercise the police powers of the City pursuant to Article 15 of Chapter 160 of the General Statutes of North Carolina, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such housing in the manner herein provided.

961. DEFINITIONS.

(1) "Housing Officer" shall mean officer or officers who are authorized by this ordinance to exercise the power prescribed herein.

(2) "Building Inspector" shall mean the Building Inspector of the City of Asheville or any agent of the Building Inspector authorized to enforce the provisions of this code.

(3) "Inspector" shall mean the same as Building Inspector.

(4) "Occupant" shall mean any person over one year of age living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or room.

(5) "Public Authority" shall mean any officer who is in charge of any department or branch of the City Government relating to health, fire, building regulations, or to other activities concerning dwellings in the City of Asheville.

(6) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(7) "Parties in Interest" shall mean the owner as defined herein and the occupant or occupants or person in possession or control of the premises.

(8) "Dwelling Unit" shall mean a room or group of rooms used or intended to be used as a single habitable unit for living, sleeping, cooking and eating purposes.

(9) "Dwelling" shall mean any building or structure used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or so enjoyed therewith.

(10) "Basement" shall mean a story having a clear height of at least 7½ feet from finished floor to finished ceiling, the floor level of which is below finished grade but not more than 4 feet below the average finished grade, having floor and walls of approved construction incorporating vapor barriers where recommended.

(11) "Exit" shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

(12) "Extermination" shall mean the control and elimination of insects, rodents, and other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and lawful pest elimination methods approved by the Inspector.

(13) "Family" small mean one or more persons living together and having common housekeeping facilities.

(14) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(15) "Housing" shall mean any dwelling, apartment, rooming house, boarding house, or similar building or structure or part thereof containing habitable space or intended for use for human habitation, except for transient occupancy.

(16) "Habitable Space" or "Habitable Room" shall mean any room or enclosed floor space in a building or structure used or intended for use for living, sleeping, cooking, or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantires, storage space, closets, laundries and other spaces not used frequently or during extended periods.

(17) "Infestation" shall mean the presence within or around any housing of any insects, rodents, or other pests.

(18) "Plumbing" shall mean the water supply system, the sanitary and storm drainage systems, the vent system, fixtures and traps and shall include their respective connections, devices, appliances, and appurtenances within the property lines of the premises.

(19) "Public Space" shall mean that space within any housing which is open to use by the general public.

(20) "Removal" shall mean the demolition and removal of the entire building, leaving the property free and clear of debris and without dangerous holes or pockets.

(21) "Rubbish" shall mean combustible and noncombustible waste materials except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, mineral matter, glass, crockery and dust.

(22) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artifically built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words, "or part thereof."

(23) "Ventilation" shall mean the supply and removal of air to and from a space by natural or mechanical means.

(24) "Ventilation, Natural" shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind driven devices.

(25) "Ventilation, Mechanical" shall mean ventilation by power driven devices.

(26) "Certificate of Occupancy" shall mean a permit issued by the Building Inspector certifying that the named dwelling or dwelling unit meets the provisions of this ordinance.

962. SCOPE.

The provisions of this code shall apply to all existing housing and to all housing hereafter constructed within the City of Asheville.

963. ADMINISTRATION.

(A) Designation of Housing Officer.
That the Building Inspector be and hereby is designated as the housing officer of the City of Asheville, North Carolina, to exercise the powers prescribed by this ordinance and such housing officer, his assistant, or his designated agent shall perform the duties hereafter more fully outlined.

(B) Determination of Conditions.
The Building Inspector, or his agents, may determine that housing is unfit for human habitation if he finds that a condition exists in such housing which is dangerous or injurious to the health, safety, welfare, or morals of the occupants of such housing, the occupants of neighbor housing, or other residents of the City of Asheville, and as set forth in Section 960 above.

964. ENFORCEMENT.

(A) Whenever a petition is filed with the Building Inspector by a public authority, or by at least five residents of the City charging that any housing is unfit for human habitation or whenever it appears to the Building Inspector (on his own motion) that any housing is unfit for human habitation, the Inspector shall, if his preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of and parties in interest in such housing, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector (or his designated agent) at a place within the City of Asheville at a time fixed not less than 15 days nor more than 30 days after the serving of said complaint. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) If, after such notice and hearing, the Inspector determines that the housing under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order (a) requiring the owner, within the time specified, to repair, alter or improve such dwelling to render it fit for human habitation if the repair, alteration or improvement of the said housing can be made at a cost not to exceed 60% of the value of the housing; or (b) requiring the owner, within the time specified in the order, to remove or demolish such dwelling if the repair, alteration, or improvement of the said dwelling cannot be made at a cost not to exceed 60% of the value of the housing.

(C) The Building Inspector is hereby authorized to fix the reasonable value of any housing for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the Inspector within 15 days after receipt of an order. Upon such protest, the Inspector shall nominate one competent and disinterested person; the protesting party shall nominate one competent and disinterested person; and the two persons so nominated shall nominate a third competent and disinterested person; and the three persons so nominated shall serve as commissioners of appraisal. Said commissioners shall make their appraisal of the value of the housing under consideration, shall return said appraisal to the Inspector and the protesting party within 10 days after their appointment; and said appraisal shall be binding and conclusive for the purpose of this section.

The costs of any such appraisal shall be paid by the protesting party to the Inspector at the time of filing written protest.

(D) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the housing, the Inspector may cause such housing to be repaired, altered or improved or to be vacated and closed. The Inspector may cause to be posted on the main entrance of any housing so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(E) If the owner fails to comply with an order to remove or demolish the housing, the Inspector may cause such housing to be removed or demolished: Provided, however, that the duties of the Inspector set forth in paragraphs (D) and (E) of this section shall not be exercised until the City Council shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this code with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance.

(F) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Inspector shall be a lien against the real property upon which such cost was incurred. If the housing is removed or demolished by the Inxpector, he shall sell the materials of such housing and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Inspector, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court in a Special Proceeding brought before the Clerk of Superior Court for said purpose.

965. COMPLAINTS AND ORDERS.

Complaints or orders issued by the Building Inspector pursuant to this code shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, and the Inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the City. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notices in Buncombe County and such filing of the complaint shall have the same force and effect as other lis penden notices provided by law.

966. RECOURSE.

Any person affected by an order issued by the Inspector, may appeal to the Superior Court in the same manner provided by law for appeals from the Justice of Peace to the Superior Court. The time for giving notice of appeal shall not commence until the time specified in the order of the Inspector for improvements or demolition, required under Section 964 (B), shall have expired.

967. STANDARDS OF FITNESS.

Without excluding other ways and means of determining that a dwelling unit is unfit for human habitation, the Housing Officer shall make such finding when one or more of the following conditions are not met:

(1) Space and Use Standards.

a. A kitchen-dining room combination, if any, of not less than 100 square feet.
b. A first bedroom, if any, of not less than 100 square feet.
c. At least 70 square feet in each habitable room.
d. At least 150 square feet of floor space in habitable rooms for the first occupant in each housing unit; at least 100 square feet for each of the next three occupants; and at least 50 square feet for each additional occupant over the number of four (children one year of age and under shall not be counted.)
e. At least 80 square feet bedroom floor space for the first occupant; at least 20 square feet for the second occupant; and at least 30 square feet for each occupant over the number of two (children one year of age and under shall not be counted.)
f. No basement space used as a habitable or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
2. The total of window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms (see below, (2) Light and Ventilation Standards.)

3. Such required window area is located entirely above the grade of the ground adjoining such window area.
4. The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms. (See below, (2) Light and Ventilation Standards,) except where there is supplied some other device affording adequate ventilation and approved by the Superintendent of Building Inspection.

g. Toilet and bathing facilities enclosed.
h. No holes or excessive cracks in bathroom walls.
i. Access provided to all rooms within a dwelling unit without passing through a public space.
j. Doors provided at all doorways leading to bedrooms, toilet rooms and bathrooms and all rooms adjoining a public space.

(2) Light and Ventilation Standards

a. Window area in each habitable room equal to at least 10% of the floor area served or 10 square feet whichever is greater, and facing directly to the outside; provided, that whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than 4 feet from the window and extend to a level above that of the ceiling of the room, the window area shall be equal to at least 20% of the floor area served or 15 square feet, whichever is greater; provided, further that whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than 6 feet but at least 4 feet from the window and extend to a level above that of the ceiling of the room, the window area shall be equal to at least 15% of the floor area served or 12 square feet, whichever is greater.

b. Openable window area in each habitable room equal to at least one-half of the window area and facing directly to the outside, for ventilation, unless room is served by an approved ventilating system.
c. All windows and doors opening to the outside adequately screened.
d. Windows reasonably weathertight; no broken glass.
e. Openable window area in each toilet room of at least 3 square feet, unless served by approved ventilating system.
f. All screens tight fitting, free of holes, and not nailed to window frame or sash.

(3) Exit Standards

a. Two main exists, each at least 30 inches wide and 6'8" high, easily accessible to the occupants of each dwelling unit. All exit doors easily operable.
b. Platforms, steps and/or handrails provided to serve exits and maintained in safe condition.
c. Safe, continuous and unobstructed exit from interior of building to the exterior at street or grade level.

(4) Plumbing Standards

a. Connection to the City sanitary sewer system where available; otherwise, an approved septic tank.
b. All fixtures operable.
c. No broken water closet bowls.
d. Water closet not loose or leaking.
e. No leaks in shower stall floor.
f. No hopper bowl toilets.
g. Adequate facilities for furnishing hot water to each tub or shower, lavatory and kitchen sink.
h. Installed water supply inside building for each dwelling unit.
i. Installed water closet, tub or shower, lavatory and sink for each dwelling unit. Kitchen sink at least 12" x 16" x 6" deep.
j. Separate toilet facilities for each dwelling unit.
k. Toilet and bathing facilities protected from the weather.
l. All water piping protected from freezing by proper installation in protected space.
m. At least one 2½" minimum size main vent properly installed for each building.
n. Soil and water lines properly supported with no broken or leaking lines.
o. Every water closet compartment floor surface and bathroom floor surface so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

(5) Heating Standards

a. All units furnished with heating facilities shall have such facilities properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms.
b. All gas and oil heating equipment listed by Underwriters Laboratories or American Gas Association and installed as approved.
c. As to multi-family housing, liquid fuel stored in outside tanks and piped to heating units.
d. No loose bricks in chimney.
e. No holes in flue.
f. Thimbles grouted in tight.
g. Thimbles high enough for stovepipe to rise ¼" per foot minimum.
h. Fireplace used only for supplemental heat and not for basic heating.
i. Masonry closure, if fireplace opening closed.
j. Stove within six feet of thimble serving it.
k. No combustible materials within 12" of stovepipe.
l. No stovepipe through combustible walls.

(6) Electrical Standards

a. No receptacles, ceiling fixtures or other fixtures hanging loose.
b. All switches and fixtures safely operable.
c. At least two duplex convenience outlets per habitable room as remote from each other as practicable.
d. At least one light in bathroom.
e. No bare live wires exposed.
f. No drop cords in excess of six feet in length.
g. Fuses sized correctly and not bridged out.

(7) Structural Standards

a. Foundation
1. Firm ground, reasonably dry, no soggy ground, no water standing, no water running under building.
2. Sound piers.
3. No wood stiff-knees or other improper piers.
4. All residential structures shall be underpinned with an approved material.

b. Floors
1. No rotted or termite damaged sills.
2. No broken, overloaded or sagging sills.

FRONT
A B C D E F G H I J K L Mc M N O P Q S T U V W X Y Z

3. Sills reasonably level.
4. Sills properly and sufficiently supported.
5. No broken or sagging joists.
6. Flooring weathertight without holes or excessive cracks which permit air to penetrate rooms.
7. Flooring reasonably smooth, not rotten or worn through.
8. No loose flooring.
9. Floor reasonably level.

c. Walls, Exterior
1. No broken or cracked structural members.
2. All siding weathertight with no holes, excessive cracks or rotted boards which permit air to penetrate rooms.
3. No loose siding.
4. No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair.

d. Walls, Interior
1. Interior finish free of holes and excessive cracks which permit air to penetrate rooms.
2. No loose plaster, loose boards, or other loose wall materials.
3. No cardboard, newspaper or other highly combustible or improper wall finish.
4. No broken or cracked studs or other structural members.

e. Ceilings
1. No joists rotted, broken, sagging or improperly supported ends.
2. No loose plaster, boards, sheetrock or other ceiling finish.
3. No cardboard or other highly combustible finishes.

f. Roof
1. No rafters rotted, broken, sagging or improperly supported ends. All eaves in proper structural condition.
2. No rafters seriously fire damaged.
3. Attic properly vented.
4. No rotted, loose or sagging sheathing.
5. No loose roof covering, no holes, no leaks causing damage to structure or rooms.
6. Proper flashing at walls or chimneys.

g. Porches
1. Foundation, floor, ceiling and roof equal to standards as set forth above, except: sills and joists need not be level if providing drainage of floor; floors need not be weathertight; floors need not be level if providing for drainage; ceiling height may be 7'0" and attic need not be vented.
2. Adequate posts and railings, not rotted, broken or termite damaged.

h. Stairs and Steps
1. Free of holes, grooves and cracks large enough to constitute accident hazards.
2. Every rail firmly fastened and maintained in good condition.
3. No rotting, sagging or deteriorating supports.
4. Every stair tread uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(8) Property Maintenance
a. Building and Structures
1. Exterior wood surfaces, not inherently resistant to deterioration, periodically treated with a protective coating of paint or other suitable preservative.
2. Floors, walls, ceilings, furnishings and fixtures maintained in clean and sanitary condition.

b. Open Areas
1. Surface and subsurface waters appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.
2. Fences and other minor structures maintained in safe and substantial condition.
3. Yards and courts kept clean and free of physical hazards, rubbish, trash and garbage.
4. No heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health.

c. Infestation
1. Grounds, building and structures maintained free of insect, vermin, and rodent harborage and infestation by generally accepted methods of extermination.

d. Garbage and Refuse
1. Adequate sanitary facilities and methods provided and used for the storage, handling, and disposal of garbage and refuse.

968. INSPECTIONS.

The Building Inspector shall establish a schedule of inspections such that would allow him and/or his agents to inspect all dwelling units within the City within a reasonable period of time. Such period of time shall be such that the purposes of this ordinance will be served effectively.

969. INSPECTION OF VACANT UNITS.

That in order to comply with the purposes of this ordinance, the Housing Officer is hereby directed and authorized to inspect all dwelling units as they become vacant or at such time as the occupancy of the unit is changed and should he find violations, it shall be his duty to proceed as under the terms of this ordinance provided.

970. CERTIFICATE OF OCCUPANCY.

(A) That in order to aid the Inspector in determining the vacancy of dwelling units, the Water Department of the City of Asheville and the Carolina Power & Light Company of Asheville will make available daily, reports of requests for meter disconnections, removals, and changes in the meter registration. That prior to the reconnecting, reinstallation, or meter registration change, a certificate of occupancy must be first issued by the Building Inspector.

(B) That in such cases where the owner is not the occupant of the dwelling unit but where the water or electrical meter is registered in the owner's name, the owner or his agent shall notify the Building Inspector at such time as the dwelling unit shall become vacant and secure a Certificate of Occupancy before the dwelling unit is reoccupied.

(C) That in such cases where there are neither water nor light connections in the dwelling unit, the owner or his agent shall notify the Building Inspector at such time as the dwelling unit shall become vacant and secure a Certificate of Occupancy before the dwelling unit is reoccupied.

971. ADDITIONAL POWERS.

The Building Inspector, in addition to the powers and duties elsewhere prescribed by the terms of this ordinance, shall exercise the following powers:

(A) To investigate the dwelling conditions in the City in order to determine which dwellings therein are unfit for human habitation;

(B) To administer oaths, affirmations, examine witnesses, and receive evidence;

(C) To enter upon any premises for the purpose of making inspections required herein, provided that such entrance shall be made at reasonable times;

(D) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purpose of this ordinance; and

(E) To delegate any of his functions and powers under this ordinance to such officers and agents as he may designate.

972. CONSTRUCTION--ADDITIONAL.

That nothing in this ordinance shall be construed to abrogate or impair the right of the City or its duly authorized officers to enforce any provisions, ordinances or regulations now or hereafter in force, and not in direct conflict with this ordinance, nor to prevent punishment for the violations thereof; the powers conferred and authorized by this ordinance being in addition and supplemental to other ordinances, but any such in direct conflict or inconsistent herewith, are hereby repealed.

973. INVALIDITY. EFFECT.

That notwithstanding any other evidence of intent, it is hereby declared to be the controlling intent of the Asheville, North Carolina, City Council that if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

974. PENALTIES FOR NONCOMPLIANCE.

Failure of any person to comply to an order of the Inspector within the specified time shall be deemed a violation of this ordinance. Any person convicted of such violation shall be subject to a fine not exceeding $50.00, each day's violation constituting a new and separate offense.

I move the adoption of the foregoing ordinance, this 4 day of June, 1964.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 25 day of June, 1964, to become effective 10 day of July, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

AN ORDINANCE
[illegible] MAP AND ZONING
[illegible] ORDINANCE #322,
[illegible] PROVIDING
[illegible] CITY OF
[illegible] ASHEVILLE

Ordinance No. 499, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 499

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

1. That the following described property be rezoned from Residential District to INDUSTRIAL DISTRICT:

(a) Lots 45 and 46, Sheet 2, Ward 6

(b) The balance of Lot 21, Ward 7, Sheet 11

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 4 day of June, 1964.

T. B. Sumner
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 25 day of June, 1964, to become effective 10 day of July, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that the Urban Renewal Bonds were sold on June 16th by the Local Government Commission in Raleigh; that there were a total of four bidders, and that the low bidder was at the interest rate of 3.5884%; and the bonds will be delivered during the week of July 13th, the Urban Renewal Commission receiving one-third of the money at this time and the remainder to be invested in Certificate of Deposit.

Mr. Henry Fisher presented a number of petitions signed by approximately 150 people requesting the Council to submit the question of the enactment of the Housing Code of the City of Asheville to the voters.

Mr. Henry Fisher requested the Council to investigate the matter of children riding tricycles and playing in the street on Sylvan Avenue.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 2, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 2, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "A portion of the Property of the Hildebrand Estate".

July 2, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "A portion of the Property of the Hildebrand Estate" prepared by Carter and Bearden, Engineers, and dated June 20, 1964, shows the subdivision of real estate located to the northeast of U.S. Highway 70.

The above described plat was reviewed by this Commission at a regular meeting held July 1, 1964 and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director

RDB:nr
Encl:

Mr. Ernest Vereen, agent for the owners, explained that this property was to be used for the construction of a 200-unit condominium garden-type apartment project, and that ample parking would be provided.

Following the discussion, Councilman McRary moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance #424, which motion was seconded by Councilman Algary, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the property annexed by Ordinance #493 on the Leicester Highway be zoned RA-5 Residential District.

July 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission reviewed a copy of City OrdinanceNo. 493 annexing into the City Limits of Asheville two lots on the Leicester Highway containing approximately 7.52 acres.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 493 be zoned RA-5 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Upon motion of Councilman Mulvaney, seconded by Councilman Morgan, the Council accepted this recommendation, said amendment to be considered at a time to coincide with other hearings on similar zoning requests, the City Clerk to set a date for said public hearing.

A letter was received from the Planning and Zoning Commission recommending that Lot 58-1/4, Sheet 10, Haw Creek Ward, remain as now zoned.

July 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of the First Union National Bank, Administrator of the Estate of R. W. Johnson:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 58-1/4, Sheet 10, Haw Creek Ward, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was accepted as information by the Council.

A letter was received from Coleman Zageir of the Citizens' Advisory Committee recommending that an Urban Renewal Project be undertaken in a 425-acre area bounded generally by Hilliard Street on the north; Clingman Avenue, Depot Street, and the tracks of the Southern Railroad on the west; the southern property line of Walton Street Park, Oakland Avenue, and the northern property line of the property belonging to St. Genevieve of the Pines School, and Victoria Road on the south; and by McDowell Street, Southside Avenue, and Coxe Avenue on the east; and requesting the City Council to initiate the necessary action to begin this project.

The letter also contained a recommendation that the City Council authorize the Housing Authority of the City of Asheville to undertake studies to determine if additional low-rent housing is needed in Asheville.

The City Manager advised that the recommendation regarding the Urban Renewal Project should be referred to the Metropolitan Planning Board for full study and report to the Council, and, assuming the report was favorable, the Council would refer this matter to the Redevelopment Commission for action.

The City Manager further advised that the recommendation concerning the need for additional low-rent housing should be referred to the Housing Authority of the City of Asheville for study and report back to the Council.

Mr. Coleman Zageir was present and discussed the recommendations briefly.

Following the discussion, Councilman Sumner moved that the proposals be referred as suggested by the City Manager for the development of facts and report back to the Council, which motion was seconded by Councilman Algary, and unanimously adopted.

Miss Fannie McCoy opposed the proposed Urban Renewal Project and additional low-rent housing.

Councilman Mulvaney introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Lookout Road, Lowell Street, Shannon Drive, Stoner Road, White Pine Drive, Upland Road, Murray Hill Road (between Fagg and Tiernan Streets), and Debra Lane, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 337.

Councilman McRary introduced Ordinance No. 500, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 500, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 500, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 500

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1964 to the date of the adoption of the 1964-65 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1963-64 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1964-65 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1964-65 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 2 day of July, 1964.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 2 day of July, 1964, to become effective 2 day of July, 1964.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1964-65 prepared by the City Manager, and the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time was publication of Notice of Presentation of Budget Estimate.

Councilman Sumner moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, which motion was seconded by Councilman Algary and unanimously adopted.

The Council set the date of July 23, 1964 for a conference on the budget.

The City Manager further advised that the city had ended the 1963-64 fiscal year with a combined surplus of $77,694.17.

The City Manager advised that today is the date set for the public hearing on the request of the State Highway Commission that the city annex its property located in Biltmore Ward, Buncombe County, North Carolina, and more particularly described in deed book 864 on page 199.

There being no objection to said annexation, the Corporation Counsel was instructed to prepare the necessary ordinance for consideration by the Council.

Mr. Herschel Harkins, local counsel for Reeves Broadcasting Corporation, presented a proposal to establish a community antenna cable system in Asheville.

Mr. Burnett Maybank, attorney for the company, and Mr. Drayton Hastie, president of Reeves Broadcasting Corporation, explained the proposal in detail, and answered questions of Councilmen concerning this proposed operation.

Following the discussion, the Council referred the proposal to the City Manager and Corporation Counsel for study.

Mr. John Shuford, attorney for National Trans-Video, Inc., which had previously made a proposal concerning a community antenna cable system, was present and stated that his company would meet the offer of the Reeves Corporation, and that he would be back with a further proposal.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 9, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 9, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Mary Jane S. Pegram and Shell Oil Company requesting the rezoning of Lots 91 and 92, Sheet 11, Ward 2.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Central Asheville Association, Inc. requesting a permit for the Bryson Bus Lines, Inc. to operate buses known as Central Loop Bus through the business area of Asheville.

The City Manager advised that the city has cooperated with the Central Asheville Association in working out a layout to serve the immediate downtown area, and does not think this service would conflict with any other bus service in the business area, and that it would be in line to approve the permit and authorize that it be issued.

The matter was discussed by the Council, following which Councilman Sumner moved that the City Manager be authorized to issue such permit, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from Harold H. Thoms, President of WISE-TV, Inc., in which he amended his original request for an exclusive franchise to operate a community antenna cable system in Asheville to a request for a non-exclusive permit, and offered to negotiate a satisfactory fee payable to the City of Asheville.

This amended request was referred to the City Manager and Corporation Counsel for study.

Mr. John Moody presented a petition signed by eleven residents on Woodmount Drive asking for improved water service.

This request was referred to the City Manager.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, July 16, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 16, 1964, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. Mabelle M. LaLonde complaining that children were using Sylvan Avenue as a playground.

The City Manager advised that this was a neighborhood matter, and that the governing authorities are restricted in handling juveniles, and suggested that the matter be referred to the Domestic Relations Court for investigation and recommendation to the Council.

Councilman Morgan moved that the matter be referred to the City Manager to follow through with the Domestic Relations Court, which motion was seconded by Councilman Algary and unanimously adopted.

A proposal was received from Harold C. Wilburn to enter into a long term lease on approximately 76 acres of land lying east of the new interstate right of way at the Fanning Bridge overpass, the rental to be determined by the per acre appraisal value at 6 per cent annual rental.

The City Manager advised that an appraisal had been made of this land of $20,000.00, and under the proposal it would bring an income of $100.00 a month; that the property is to be used for a small industrial development, and that the details can be worked out with the builder and developer.

Councilman Sumner moved that the City Manager be authorized to negotiate a lease, providing for re-appraisal after certain periods, to be brought back to the Council for final action, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from John F. Shuford, attorney for National Trans-Video, Inc., advising that the company desired to amend its recent application for a permit to operate in the City of Asheville to the end that the company would pay a gross receipts tax to the City of a sum equal to four (4%) per cent of its annual rental charges, or Four Thousand ($4,000.00) Dollars per year, whichever is greater.

The City Manager pointed out that this matter has been before the Council previously and all proposals have been referred to him and the Corporation Counsel for study and recommendation; that he has discussed this matter with the Mayor, and it is suggested that all proposals be studied at the time of the budget conference next Thursday; that the recommendation be made public following the budget conference, and be acted upon at the regular Council meeting on July 30th.

A petition signed by the cab companies operating in the City was received requesting that the initial fare rate as now charged by taximeters be changed from 45¢ for the first mile to 45¢ for the first half mile.

The matter was discussed by members of the Council. The City Manager suggested that since the cab companies have offered to make their records available that a complete analysis of operations be made, and further that someone be sent to Greensboro, High Point and a few other cities to examine the whole picture.

The Council referred this matter to the City Manager to develop the full facts and report back to the Council.

Councilman Morgan introduced in written form the following resolution, which was seconded by Councilman [illegible]:

RESOLUTION CONCERNING APPLICATION FOR
GRANT UNDER FEDERAL WATER POLLUTION
CONTROL ACT

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina (hereinafter sometimes called the "District"), a public body and body politic and corporate created and established under the provisions of the North Carolina Metropolitan Sewerage Districts Act, Chapter 153, Article 25, Sections 153-295 to 153-326, inclusive, of the General Statutes of North Carolina State Stream Sanitation Committee by resolution adopted on January 19, 1962, the District being comprised of the following political subdivisions:

City of Asheville
Town of Biltmore Forest
Town of Weaverville
Town of Black Mountain
Woodfin Sanitary Water and Sewer District
Busbee Sanitary Sewer District
Crescent Hill Sanitary Sewer District
Skyland Sanitary Sewer District
Fairview Sanitary Sewer District
East Biltmore Sanitary Sewer District
Caney Valley Sanitary Sewer District
Swannanoa Water and Sewer District
Beaverdam Water and Sewer District
Venable Sanitary District;

and

WHEREAS, the District has caused its Consulting Engineers, Harry Hendon and Associates, Inc., Birmingham, Alabama, to prepare an engineering report, dated March, 1963, entitled "Engineering Report of Sewage Disposal Facilities for the Metropolitan Sewerage District, Asheville, North Carolina" (hereinafter called the "Engineering Report"); and

WHEREAS, the Engineering Report recommends the type of sewage disposal system which will be adequate to

accommodate the needs of the District and the District has estimated that the cost of financing and constructing such sewage disposal system and placing the same in operation will be approximately $10,400,000; and

WHEREAS, the District has estimated that the cost of constructing a sewage disposal system to serve the District would be less than the total cost of constructing individual sewage disposal systems to serve the various political subdivisions comprising the District; and

WHEREAS, a majority of the qualified voters of the District voting at an election have heretofore approved a bond order authorizing the issuance of not exceeding $10,400,000 Sewage Disposal System Bonds of the District for the purpose of providing funds, with any other available funds, for constructing a sewage disposal system for the District, including treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto, and the levy of a tax for the payment thereof; and

WHEREAS, the District proposes to use its best efforts to consummate the sale of its bonds at the earliest practicable date in an aggregate principal amount sufficient to pay the cost of constructing and placing in operation the sewage disposal system recommended in the Engineering Report; and

WHEREAS, the above mentioned political subdivisions comprising the District desire to obtain Federal assistance in the form of a grant under the provisions of the Federal Water Pollution Control Act for the construction of the sewage disposal system; and

WHEREAS, Federal regulations require that the application for these grant funds be made in the name of one public body for the benefit of itself and any political subdivisions included within its boundaries;

now, therefore,

BE IT RESOLVED by the City Council of the City of Asheville, North Carolina:

Section 1. The City of Asheville does hereby appoint the Metropolitan Sewerage District of Buncombe county as its agent for the purpose of applying for Federal assistance in the form of a grant under the provisions of the Federal Water Pollution Control Act for the sewage disposal system recommended in the Engineering Report.

Section 2. The Metropolitan Sewerage District of Buncombe County is hereby authorized to file for and receive the grant which the City of Asheville is entitled to receive under the Federal Water Pollution Control Act and applicable Federal regulations, the amount of such grant to be determined in accordance with the Consulting Engineers' estimates of initial distribution of capacity in the intercepting sewers and the sewage treatment plant as shown in Tables 11 and 13 of the Engineering Report.

Section 3. The City of Asheville shall be entitled to utilize the sewage disposal system in accordance with the Consulting Engineers' estimates of initial distribution of capacity in the intercepting sewers and the sewage treatment plant as shown in Tables 11 and 13 of the Engineering Report subject, however, to such changes in the percentage of utilization as may be permitted or authorized by the resolution of the District authorizing and securing bonds issued by the District to finance the sewage disposal system or in or pursuant to any agreement between the City of Asheville and the District with respect to the collection treatment and disposal of sewage.

Section 4. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a meeting of the City Council of the City of Asheville held the 16th day of July, 1964, by the following vote, to wit:

AYES: Councilmen McRary, Algary, Sumner, Morgan and Vice-Mayor Mulvaney.

NOES: None

ABSENT: Mayor Eller and Councilman Morris

ATTEST:

APPROVED:

CITY CLERK

MAYOR

Complete copy of resolution will also be found in Resolution Book 4, pages 338 and 339.

[illegible]

Councilman Algary introduced a resolution creating a Recreation Board for Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will also be found in Resolution Book #4, page 340.

[illegible]

The City Manager advised that today is the date set for the public hearing on the proposed amendments to the zoning ordinance creating an RA-M Residential District, and other amendments, all of which have been recommended by the Planning and Zoning Commission.

Mr. Robert Barbour, Planning Director, was present and explained the various amendments.

The proposed amendments were discussed by the Council, and it was suggested that the provision regarding parking and the provision regarding greenbelt planting strip in the mobile home parks be further amended. Mr. Barbour was requested to prepare these amendments for consideration by the Council at its next meeting.

Following the discussion, Ordinance No. 501, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, BY ADDING A NEW SECTION CREATING AN RA-M RESIDENTIAL DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" Councilman Sumner voted "yea"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

There being no further business the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Summerlin
CITY CLERK

Thursday, July 23, 1964 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

Margaret Summerlin
CITY CLERK

Thursday, July 30, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 30, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, and City Manager Weldon Wehr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Lynn-Bar".

July 30, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Lynn-Bar," prepared by Ray E. Anders, Surveyor, for Dewey Z. Brown and dated January 28, 1964, shows the subdivision of real estate off North Bear Creek Road.

The above described plat was reviewed by this Commission on March 25, 1964, and given preliminary approval, subject to the installation of water lines according to agreement specified by the City. It is recommended to you for final approval.

Sincerely yours,

S/ Gary M. Cooper, Asst. Director
for Robert D. Barbour,
Planning Director

RDB:nr
Encl:

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning Director enclosing resolution of the Metropolitan Planning Board of the City of Asheville and Buncombe County and resolution of the Asheville Planning and Zoning Commission recommending certification of a Redevelopment Area, generally bounded by Oakland Avenue on the South; Victoria Road, McDowell Street, Southside Avenue and Coxe Avenue on the East; Hilliard Street on the North; and Clingman Avenue, Depot Street, and the Southern Railroad on the West.

July 30, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

In re: Recommendation of Citizens' Advisory Committee - New Urban Renewal Project

In response to your letter of July 3, 1964, we are enclosing a Resolution of the Metropolitan Planning Board of the City of Asheville and Buncombe County and a Resolution of the Asheville Planning and Zoning Commission recommending certification of a Redevelopment Area, generally bounded by Oakland Avenue on the South;Victoria Road, McDowell Street, Southside Avenue and Coxe Avenue on the East; Hilliard Street on the North; and Clingman Avenue, Depot Street, and the Southern Railroad on the West.

Sincerely yours,

S/ Gary M. Cooper, Asst. Director
for Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

RESOLUTION OF THE
METROPOLITAN PLANNING BOARD
OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY
RECOMMENDING CERTIFICATION OF
REDEVELOPMENT AREA

WHEREAS, the Council of the City of Asheville has requested the Metropolitan Planning Board consideration of a possible Redevelopment Area generally bounded by Oakland Avenue on the South, Victoria Road, McDowell Street, Southside Avenue and Coxe Avenue on the East; Hilliard Street on the North, and Clingman Avenue, Depot Street, and the Southern Railroad on the West; and,

WHEREAS, the staff of the Metropolitan Planning Board has examined and studied the area, and compiled data on its present condition and its potential; and,

WHEREAS, the Staff has found the predominately residential area to be blighted, and considers such essential redevelopment within the area essential to the welfare of the City of Asheville; and,

WHEREAS, the Metropolitan Planning Board has reviewed the information compiled by the Planning Staff and concurs with the staff recommendation;

NOW, THEREFORE, BE IT RESOLVED THAT THE METROPOLITAN PLANNING BOARD of the City of Asheville and County requests the City of Asheville Planning and Zoning Commission to certify said area as a Redevelopment Area, pursuant to the Urban Redevelopment Law of 1951, as amended.

CERTIFICATE OF RECORDING OFFICER

THE UNDERSIGNED HEREBY CERTIFIES, AS FOLLOWS:

1. That he is the duly qualified and acting Secretary of the Metropolitan Planning Board of Asheville and Buncombe County, herein called the "Board," and the keeper of the records of the Board including its journal of proceedings;

2. That the attached is a true and correct copy of a Resolution recommending certification of a redevelopment area, adopted at a meeting of the Board held on July 15, 1964, and duly recorded in his office;

3. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law due and proper notice of such meeting was given; and that a legal quorum was present throughout the meeting;

4. That the Board does not have an official seal and is not required to have one;

5. That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this 30th day of July, 1964.

S/ Anthony Redmond,
Secretary.

RESOLUTION OF THE
ASHEVILLE PLANNING AND ZONING COMMISSION
RECOMMENDING CERTIFICATION OF
REDEVELOPMENT AREA

WHEREAS, the City of Asheville Planning and Zoning Commission has received a Resolution passed by The Metropolitan Planning Board for the City of Asheville and the County of Buncombe requesting that the area generally bounded on the South by Oakland Avenue, on the East by Victoria Road, McDowell Street, Southside Avenue and Coxe Avenue, on the North by Hilliard Street, and on the West by Clingman Avenue, Depot Street and the Southern Railroad, be certified as a Redevelopment Area; and,

WHEREAS, the Asheville Planning and Zoning Commission has reviewed and studied data and maps compiled by the Planning Staff showing that 82.9 percent of the structures in the area are substandard in some respects and that the predominantly residential area is blighted; and,

WHEREAS, the Planning and Zoning Commission, during a called meeting on July 20, 1964, examined the area on a field trip and found that more than two-thirds of the number of buildings in the area have one or more of the following characteristics:

1. Dilapidated, deteriorated, obsolescent;
2. Inadequate provision for ventilation, light, air, sanitation, or open spaces;
3. High density of population and overcrowding;
4. Unsanitary or unsafe conditions: or the existence of conditions which endanger life or property by fire or other causes;

and that because of these conditions, the area substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare; and

WHEREAS, it has been determined by the Asheville Planning and Zoning Commission that the Area is a "Blighted Area" as defined by G.S. 160-456(q),

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF ASHEVILLE PLANNING AND ZONING COMMISSION certifies that the Area above described is a Redevelopment Area within the meaning of the Urban Redevelopment Law of 1951, as amended, G.S. Chapter 160, Article 37, of the laws of the State of North Carolina.

CITY OF ASHEVILLE PLANNING
AND ZONING COMMISSION

By S/ James E. Coleman
James E. Coleman, Chairman
July 20, 1964.

Certified to be a True
and Correct Copy

By: S/ Anthony Redmond
Anthony Redmond, Secretary
July 20, 1964

The Council referred this matter to the City Manager and Corporation Counsel to be studied and report back to the Council.

A petition signed by a number of residents of Kenilworth was received, requesting that the Council take the

A B C D E F G H I J K L Mc M N O P Q R S T U V W X Y Z
FRONT

necessary legal action as designated in the Asheville Building Code to relieve petitioners of the hazardous and deplorable conditions existing at 22 Chiles Avenue.

The Director of Public Safety advised that a hearing has been set on this matter for August 20th.

Regarding Ordinance No. 501, creating an RA-M Residential District and other amendments, Mrs. Samuel H. Walker of 63 Buchanan Avenue, requested that the east limit of the zone be shifted to the rear property lines on Town Mountain Road.

Thomas Coggins of 61 Town Mountain Road also said the limits should be farther west, and urged that the limit be at Hollywood Street.

The City Manager advised that proposed changes could be considered by the Council before the final reading next week.

Following the discussion, Ordinance No. 501, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING AN RA-M RESIDENTIAL DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution of notice that the Council will consider extension of corporate limits of the City of Asheville to include certain property located in Beaverdam Ward, Buncombe County, North Carolina, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 341.

Councilman Morris introduced a resolution authorizing City Manager to advertise for bids for construction work for the Haw Creek-Beverly Hills Community Center on U. S. Highway 70, which was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 342.

Councilman Algary introduced Ordinance No. 502, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1964-65", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Audit Report of the Asheville Board of Alcoholic Control for the period ending June 30, 1964.

The City Manager advised that a tentative agreement had been negotiated with the owner of certain property on Marjorie and Davidson Streets to lease this property for an off-street parking lot for a rental of $125.00 per month for a term of twenty-five years.

Following a discussion, Councilman McRary introduced a resolution authorizing Mayor and City Clerk to execute lease with Lessie Johnson on property known as Lots 239½, 239 3/4, 240½, 239½, 241, Ward 1, Sheet 1 of the Buncombe County Tax Maps, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 343.
Copy of lease will be found attached to original resolution.

The City Manager presented a report on the first week's operation of the Bee Tree Lake fishing area.

The Mayor announced that the Council has gone over the proposals submitted to it for a franchise for a television system in the City of Asheville, and has formulated certain conditions and stipulations it will require to be in any agreement entered into by the City.

The City Manager then read the conditions and stipulations as follows:

"It is assumed that details to be incorporated in a permit granted to operate a Community Antenna TV System in Asheville can be agreed upon by all five of the proposals that are before the City Council at this time.

W I S E - T V, Inc.
The Broadcasting Company of the South
National Trans-Video, Inc.
Reeves Broadcasting Corporation
Skyway Broadcasting Company

Specifically, the Council has concluded that the following conditions will be written into the agreement:

(1) The agreement is to be a non-exclusive permit for 25 years.
(2) Renewal agreement to be on basis of 5 year intervals, terms to be negotiated.
(3) Pay TV is not to be considered in this agreement. In fact, it is to be written out of the agreement.
(4) Performance bond shall be posted upon receiving approval to operate a cable and upon the start of construction in Asheville.
(5) Installation to start at once.
(6) Render service to the sections of the City with an outlet density of 50 services per mile of trunk line. To determine this formula each housing unit shall be considered as a service, and no house shall be more than within 200 feet of a public street shall be considered a service.
(7) The agreement will establish a ceiling not to exceed $6.00 per month for a minimum of 12 television channels, including Channels 13, 7 and 4.
(8) The installation charge for each housing unit is not to exceed $15.00.

For the above privilege the City of Asheville is to receive as a return, payable quarterly, 5% (five) annually, or 4% of service fees collected, whichever is greater, for the first 4,000 installations. Installation charges are not to be considered in determining this total. The City's fee is to increase 1% on the gross fees for each additional 1,000 installations up to 10,000 installations, that is, when the company makes 5,000 installations the city will receive 5%, 6,000 installations 6%, and so forth up to 10,000 installations 10% of the gross."

Mr. Frank Parker, representing WLOS-TV and local movie operators, spoke in opposition to granting a CATV permit. Also speaking in this behalf were Mr. Harold Bennett and Mr. Sam L. Irvin. Mr. Hoyt Caldwell, representing TV antenna manufacturers, said cable TV would not be necessary if proper antennas were installed.

At this point a ten minute recess was taken.

Mr. W. W. Orr, attorney representing W I S E - T V, Inc., then introduced Mr. Harold E. Thoms, president of this company, who presented a petition signed by local TV servicemen, wholesalers and retailers, supporting his application for permit. Also speaking in this behalf was Mr. William J. Cocke. Mr. Thoms asked for time to consider the 10 per cent clause in the stipulations.

Mr. Herschel Harkins, attorney for Reeves Broadcasting Company, stated his company accepted the conditions and stipulations laid down by the city.

Mr. Richard Shafto, president of the Broadcasting Company of the South, spoke in behalf of his application, and requested time to consider the 10% clause.

Mr. John F. Shuford, attorney for National Trans-Video, Inc., stated his company accepted the conditions and stipulations laid down by the city.

Mr. Morton S. Cohn, vice president and general manager of WLOS-TV operating under the Skyway Broadcasting Company, advised that his company opposed CATV, but would like to receive the permit in case one is granted.

In answer to questions the Mayor stated that the Council had not yet decided whether more than one CATV permit would be granted, or whether a permit would be granted for CATV in Asheville, and announced that a final hearing will be held on this entire matter on Thursday, August 13th. The City Manager requested that the various companies file their decision on the stipulations laid down by the city with the City Clerk not later than Noon on August 13th.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 6, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 6, 1964, at 4:00 o'clock P. M. with Mayor F. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, Director of Public Safety Carl B. Hyatt, Jr., and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received advising that Sgt. Leroy Martin has made an offer of $250.00 to purchase part of Lots 120, 120½, 121, being approximately 60 foot frontage on Pearl Street and formerly known as 46 Pearl Street.

This offer was referred to the City Manager and Corporation for investigation and report back to the Council.

A petition was received signed by property owners abutting an alley off Mildred Place requesting that the city abandon this unopened alley.

The Corporation Counsel was requested to prepare a resolution setting date for a public hearing on this request.

A letter was received from the Planning and Zoning Commission recommending that Lot 92, Sheet 11, Ward 2 remain as now zoned.

August 5, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mrs. Mary Jane Pegram, Owner, and Shell Oil Company, Optionee:

Mr. Redmond announced that Mr. R. T. Crockett, representative of Shell Oil Company, had withdrawn the request on their behalf.

Attorney John Cuford verbally amended the request of Mrs. Pegram to apply to Lot 92, Sheet 11, Ward 2 only.

After discussion, it was moved, seconded, and unanimously passed that the above described property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that the property described in City Ordinance No. 497 be zoned as follows: Neighborhood Trading Area 320 feet from the centerline of US 25 (Hendersonville Road), as now located, and the rest of the area RA-5 Residential District.

August 5, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission reviewed a copy of City Ordinance No. 497, annexing into the City of Asheville property generally bounded by West Chapel Road on the north, by Hendersonville Road on the east, and by Shiloh Road on the south.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 497 be zoned as follows: Neighborhood Trading Area 320' from the centerline of U.S. 25 (Hendersonville Road), as now located, and the rest of the area RA-5 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

The above recommendation was accepted by the Council and the Council instructed the Corporation Counsel to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission, and to give notice and publication of a public hearing on same.

In regard to the new RA-M District the Director of Public Safety advised the Council that a meeting had been held with the parties involved and an amendment had been reached satisfactory to all concerned that the boundary extend to the rear property lines of Hollywood Street and Oak Park Road on the east, leaving a buffer zone between Town Mountain Road and said District.

Several opponents of the original boundary were present and expressed no objection to the change.

The Director of Public Safety further advised that as requested by the Council [illegible] prepare regarding maintenance of a greenbelt area in trailer parks [illegible]

[illegible] the last sentence of Paragraph (b) (Greenbelt) of Section 7 [illegible] number 2 to the Asheville Zoning Ordinance, and add the following:

'Plants required in this greenbelt shall be carefully planted in accordance with [illegible] practice and shall be maintained in good condition. Unhealthy or dead plants shall be removed and replaced. Failure to maintain the greenbelt in good condition shall constitute a violation of this Ordinance.

'This greenbelt planting requirement may be modified in situations where a proposed [illegible] planting design exceeds the requirements of this Section or where adequate natural buffering exists in the form of vegetation and/or terrain.'

Councilman Algary moved that these two amendments be incorporated into Ordinance No. 501 [illegible] was seconded by Councilman McRary and unanimously adopted.

Whereupon, Ordinance No. 501, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING AN RA-M RESIDENTIAL DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", as amended at this meeting was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 501

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, BY ADDING A NEW SECTION CREATING AN RA-M RESIDENTIAL DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN

WHEREAS, Ordinance #322, being "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" was created in 1948, and subsequent thereto various amendments have been made to the same; and

WHEREAS, changing conditions within the City of Asheville have indicated the necessity of [illegible] revision of said Ordinance #322, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That a new section, to be known as Section 3.1, RA-M RESIDENTIAL DISTRICT, is hereby created, the same to immediately follow Section 3 of Ordinance #322, and as set forth on the attachment hereto marked Section 3.1.

SECTION 3.1

RA-M RESIDENTIAL DISTRICT

A. Description and Purpose.

This district exists for the protection of areas that have been and are being developed predominantly for high density dwellings and for areas which are recommended for such development in the Comprehensive Plan for the City. Accordingly, the use of land and buildings within these areas is limited to dwellings [illegible] flexible floor area formula designed for a density ranging up to sixty five (65) dwelling units per acre, depending upon building height and coverage, and to such non-residential uses as generally support and/or harmonize with such high density areas. It is hereby found and declared that these regulations are necessary to the protection of these areas and to the maintenance of a balanced community of sound residential areas of diverse types.

B. Permitted Uses.

In a RA-M Residential District, a building or other structure may be erected, altered, arranged, designed or used, and a lot or structure may be used for any of the following purposes and no other:

1. All uses permitted in the RA-8 Residential District.

2. Professional service, executive, governmental, and administrative offices meeting the following standards:

(a) Goods, wares or merchandise shall not be commercially created, displayed, stored, exchanged or sold on the premises, except as specified in Subsection 5 of this section.

(b) No service through drive-in facilities.

3. Dancing and music studios, studios of artists and tutors.

4. Charitable and philanthropic organizations.

5. The following incidental accessory retail uses: cafeterias or restaurants, gift or variety shops, soda bars, barber shops and beauty shops, conducted primarily for the convenience of employees, patients, patrons, visitors and residents on the premises, contained wholly within the principal building and without exterior advertising display.

6. Libraries, art galleries, museums.

7. Convalescent and nursing homes and homes for the elderly.

8. Day nurseries and kindergartens with an outdoor play area equivalent to at least 200 square feet per pupil.

C. Building Restriction.

No direct limit. Provided that, no point on a side or rear building wall shall be so located that it is [illegible] side or rear lot line than one foot for each two feet that such point is above the average finished lot [illegible] such point on rear building wall.

D. Building Site Area Required.

The minimum building site area shall be one lot or parcel of land seven thousand (7,000) square feet in area having a minimum average width of fifty (50) feet.

E. Front Yard Required.

There shall be a front yard having a depth of not less than twenty five (25) feet measured from the front line to the front building line. Where the average of the front yards for all adjacent lots, which are located within one hundred (100) feet of each side of a lot and on which there are existing buildings, is greater than the required front yard required in this Section, a required setback line shall be provided on the lot equal to this average setback depth but not to exceed thirty-five (35) feet. Where such average of the front yards is less than the minimum required front yard, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen (15) feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum front yard required for this District. In no case shall the front building line be nearer to the center line of any street than fifty (50) feet.

F. Side Yards Required.

There shall be a side yard on each side of the main building having a combined width of not less than [illegible] (18) feet unless additional width is required under Subsection C. and/or Subsection L. of this Section. No side yard shall be less than eight (8) feet in width.

G. Rear Yard Required.

There shall be a rear yard having a depth of not less than twenty-five (25) feet unless additional depth is required under Subsection C. of this Section.

H. Maximum Building Coverage.

The maximum building coverage for the principal building or principal buildings shall be twenty-five (25) per cent of the lot area.

I. Maximum Gross Floor Area.

No principal building or buildings shall have a gross floor area greater than fifty (50) percent of the lot area, except that the floor area may be increased by ten (10) percent of the lot area (up to a maximum of one hundred and seventy (170) percent of the lot area) for each one (1) percent of the lot area by which the building coverage of the principal building or buildings is reduced below the maximum of twenty-five (25) percent coverage. The maximum floor area allowable at each percent of building coverage under this formula is as follows:

Building Coverage	Gross Floor Area As a Percent of Lot Area
25%	50%
24%	60%
23%	70%
22%	80%
21%	90%
20%	100%
19%	110%
18%	120%
17%	130%
16%	140%
15%	150%
14%	160%
13% or less	170%

J. Conversion of Existing Dwellings.

In any case of a building existing on the effective date of the application of these regulations thereto, which building then becomes non-conforming in building coverage and/or floor ratio under the above formula, there may be located therein by subsequent conversion no more than an average of one dwelling unit per 1,000 square feet of gross floor area in the building on said effective date.

K. Usable Open Space.

There shall be a minimum of two hundred and fifty (250) square feet of usable open space per dwelling unit.

L. Corner Lots.

Same as RA-10 Residential District.

M. Review of Site Plan.

A site plan meeting all requirements and conditions of Section 9. C. of this Ordinance, relating to Group Development, shall be required for any apartment building containing twelve (12) or more dwelling units.

N. Signs Permitted.

Signs permitted in the RA-M Residential District shall be limited to the following:

1. Non-illuminated signs for home occupations and professional, service, executive, commercial, or administrative offices, indicating only names of persons and their occupations or professions engaged therein, governmental or service enterprises and organizations, not to exceed two hundred and sixteen (216) square inches in area and placed flat against the principal building.

2. Indirectly illuminated and non-illuminated signs indicating names of residents on mailboxes and doorposts not to exceed one square foot in area.

3. Non-illuminated signs of persons connected with work on buildings under actual construction, on the premises, located at least 10 feet inside any lot line and not to exceed twenty (20) square feet in area.

4. Non-illuminated signs indicating the name and purpose of a building and the name of its management, not to exceed three (3) square feet in area.

5. Temporary non-illuminated signs advertising for sale or for rent the lot or building on which they are placed or some part thereof, located at least five (5) feet inside any lot line and not to exceed five (5) square feet in area. Individual real estate firms or other selling agent shall not erect more than one such sign on any single residential property, but in no case shall more than two (2) such signs be erected on a single residential property.

6. Non-illuminated signs for the control of traffic and parking, not to exceed four (4) square feet in area.

7. Indirectly illuminated signs advertising accommodations for tourists or transients located on the premises where such activities are conducted, located at least five (5) feet inside any lot line, and not exceeding nine (9) square feet in area.

8. Indirectly illuminated and non-illuminated signs of churches, schools, or other public or quasi-public institutions and civic bodies, located at least ten (10) feet inside any lot line and not to exceed twenty (20) square feet in area.

9. Additional requirements for signs in Residential Areas:

(a) No sign shall be located above the ground floor of any building or more than twenty (20) feet above the upper surface of the nearest curb whichever is less.

(b) For each use of a lot, there shall be no more than one (1) sign of each of the types described in this Section facing each street adjacent to such use, plus one such sign for each public entrance to such use in excess of one public entrance on each street.

O. Required Court Dimensions.

Same as RA-8 Residential District.

P. Off-Street Parking.

Off-street parking shall be provided as required in Section 10. B. of this Ordinance.

Section 2. That the areas included within RA-M RESIDENTIAL DISTRICT shall be as follows:

AREA 1

All of the area presently owned by the Housing Authority of the City of Asheville and now zoned RA-5 Residential District, lying between Hall Street and Riverside Drive, north of Patton Avenue.

AREA 2

All of the area bounded by Hall Street on the West, Broadway on the east, northern right-of-way of the proposed East-West Expressway on the south, and on the north by a line beginning at the southwest corner of Lot 1-1/2, Ward 3, Sheet 11, and running in an easterly direction to the southeast corner of said lot; thence in a northwesterly direction to the corner of Lot 1, Ward 3, Sheet 15; thence running in an easterly direction to the southeast corner of Lot 48, Ward 3, Sheet 12; thence running in a northerly direction to the northeast corner of Lot 48, Ward 3, Sheet 12; thence running in a straight line to the southwest corner of Lot 47, Sheet 12, Ward 3; thence running in a northeasterly direction to the southeast corner of Lot 136, Ward 3, Sheet 12; thence running in a northwesterly direction to the southwest corner of Lot 5-3/4, Ward 3, Sheet 12; thence running in a northeasterly direction to the southeast corner of Lot 5-3/4; thence running in a northwesterly direction to the northeast corner of Lot 5-3/4; thence running in a northeasterly direction to the southeast corner of Lot 25-1/4, Ward 3, Sheet 12; thence running in a northwesterly direction along the eastern lot line of said lot 25-1/4 to a point on the centerline of Houston Street; thence following the centerline of Houston Street in a northeasterly direction to a point on the centerline of Courtland Avenue; thence following the centerline of Courtland Avenue to a point formed by its intersection with the extension of the southwest lot line of Lot 174, Ward 3, Sheet 9; thence following the Southwest lot line of Lot 174, Ward 3, Sheet 9, to the northwest corner of said lot; thence in a northerly direction to the northwest corner of Lot 177, Ward 3, Sheet 9; thence in a northwesterly direction to the southeast corner of Lot 138, Ward 3, Sheet 9; thence in a northerly direction along the east lot lines of Lots 138 and 136 to the southwest corner of Lot 255, Ward 3, Sheet 9; thence in an easterly direction to the southeast corner of Lot 255; thence in a northerly direction on the east lot line of said lot to a point on the centerline of Madison Street; thence in an easterly direction on said centerline to the eastern margin of Pearson Drive; thence in a northerly direction to the southern margin of W. Chestnut Street; thence in an easterly direction along the southern margin of West Chestnut to the northeast corner of Tax Lot 182, Ward 3, Sheet 9; thence in a northerly direction to the northwest corner of Tax Lot 190, Ward 3, Sheet 9; thence in an easterly direction along the northern boundary of said tax lot to Montford Avenue and then continuing in this direction generally parallel to West Chestnut to include the following tax lots: 161 thru 169, inclusive, 142-1/4, 143, 143-1/4, and 125 thru 136, inclusive, Ward 3, Sheet 3, to the northeast corner of Tax Lot 124, this being all of Area 2, presently zoned RA-5 and RA-6, with the exception of the following areas which are to be excluded:

1. Property east of Flint Street and south of Starnes Avenue presently zoned Commercial.

2. All property fronting on Broadway and presently zoned Commercial.

3. Property along Montford Cherry, and Hall Street presently zoned Neighborhood Trading Area.

AREAS 3, 4, and 5

All of the area bounded by Broadway on the west, the northern right-of-way of the present East-West Expressway on the south to a point where said East-West Expressway boundary intersects the northeast lot line of Lot 11, Ward 2 Sheet 17; thence along said lot line in a northerly direction to the northwest corner of Lot 10 ; thence easterly along the northern lot line of Lot 10½ to the easternmost corner of Lot 14; thence along the eastern boundary of Lot 14, Ward 2, Sheet 17 in a northerly direction to the northeast corner of Lot 14, Ward 2, Sheet 17; thence in a westerly direction along the northern lot line of Lot 14 to the southeastern corner of Lot 95, Ward 2, Sheet 17; thence in a northerly direction along the easternmost lines of Lots 95, 94, 93, Ward 2, Sheet 17 to a point on the centerline of Arlington Street; thence west along the centerline of Arlington Street to a point formed by its intersection with the extension of the east lot line of Lot 192, Ward 2, Sheet 17; thence in a northerly direction along the east lot lines of Lots 192, 15½, 15-3/4, 193, 185, Ward 2, Sheet 17 to the northeast corner of Lot 185; thence in a westerly direction along the north lot line of Lot 185 to the southeast corner of Lot 16, Ward 2, Sheet 17; thence northerly with the east lot line of Lot 16 to a point on the centerline of Oak Park Road; thence westerly along the centerline of Oak Park Road to a point formed by its intersection with the extension of the east lot line of Lot 45, Ward 2, Sheet 17; thence following the east lot line of Lot 45, Ward 2, Sheet 17 to the northeast corner of said lot; thence easterly to a point on the centerline of Oak Park Road; thence northerly with the centerline of Oak Park Road to its intersection with the centerline of Baird Street; thence westerly along the centerline of Baird Street to its intersection with the centerline of Furman Street; thence southerly along the centerline of Furman Street to the point of intersection with the extension of the Northern boundary line of Lot 114, Sheet 16, Ward 2; thence along a line north of Chestnut Street and generally paralleling Chestnut Street, said line being the northern property line of the following Tax Lots of Ward 2: 114, 119, 120, 120½, 142, 141, 140, 139, 138, 137, 136, 135, Sheet 16; Lots 101, 81, 82, 93, 95, 94, 93, 92, 91, 99, 104, Sheet 4; Lots 64, 119, 121½, 122½, 123, 124, 125, 127-3/4, Sheet 5; thence south along the west property lines of Tax Lots 127-3/4 and 190, Ward 2, Sheet 5, to the centerline of Chestnut Street; thence west along Chestnut Street to Broadway. This being all of areas 3, 4 and 5, presently zoned RA-5 and RA-6 Residential Districts, with the exception of the following areas which are to be excluded:

1. All property presently zoned Commercial fronting on Broadway.
2. All property presently zoned Neighborhood Trading Area and Commercial fronting on Merrimon Avenue.
3. Tax Lots 19, 20½, Ward 2, Sheet 3.
4. Tax Lots 110½, 111½, 112½, 112½, 105, 106, 107, 132, 103, 130, Ward 2, Sheet 4.
5. All property presently zoned Neighborhood Trading fronting on Charlotte Street.
6. Tax Lots 7 , presently zoned Neighborhood Trading Area and 91 and 92, presently zoned Commercial, Ward 2, Sheet 2.
7. Tax Lots 143, 146, 169½, 171½, Ward 2, Sheet 16.
8. All property between Orange Street and the northern boundary of the East-West Expressway presently zoned Commercial on Ward 2, Sheet 2.
9. Tax Lots 177, 185, 186, 114, Ward 2, Sheet 16.

Section 3. That Section 9 of Ordinance #322, as amended, is hereby repealed, and in lieu thereof is inserted a new Section 9, EXCEPTIONS, as follows:

SECTION 9.

EXCEPTIONS

A. Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provided herein.

B. Projections into Required Open Space.

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for:

1. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches.

2. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3-1/2) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

C. Group Developments.

Group developments, as defined in Section 19 of this Ordinance, planned as a single unti may be approved by the City Council. The following procedure is set forth to permit diversification in the location of structures and to improve circulation and other site qualities while insuring adequate standards relating to public health, safety, welfare, and convenience in the arrangement of structures and facilities in planned group developments such as shopping centers, industrial parks, garden apartments, mobile home parks, large retail establishments, drive-in theaters, etc.

1. Prior to the issuance of building permits for the construction of buildings in any group development, a site plan shall be submitted to and approved by City Council. Prior to such approval, the City Council shall obtain the recommendations of the Asheville Planning and Zoning Commission on any site plan for a group development and hold a public hearing in relation thereto, at which parties in interest and citizens shall have

an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the City of Asheville. Said notice shall be published not less than fifteen (15) days prior to the date fixed for said hearing.

2. The applicant must be the owner of the land considered for the group development or the owner's duly and legally authorized agent.

3. The plan for the group development must include the following:

(a) The land area to be included within the plan and all public and private rights-of-way and easements bounding and intersecting the designated area;

(b) The proposed finished grade of the designated area shown in contour intervals of not more than five feet;

(c) The location of each existing and each proposed structure in the development area, the areas to be contained therein, the number of stories, gross floor area and approximate location of entrances and loading points thereof;

(d) All curb cuts, driving lanes, parking areas, loading areas, and illumination facilities;

(e) All pedestrian walks, malls and open areas for use by owners, tenants, their agents, servants and invitees and the public generally.

(f) The location and height of all walls and fences and the type of construction;

(g) The type, size and location of screen planting;

(h) The types of surfacing, such as paving, turfing or gravel, to be used at various locations.

(i) Such other information as may be considered essential by the City Council.

4. All plans for groups developments must make due provisions for:

(a) Adequate and safe design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust;

(b) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination,

(c) In residential building groups providing for permanent family occupancy, adequate privacy and safe location of play areas for children and other recreational areas according to the concentration of occupancy;

(d) In business building groups abutting Residential Districts: fences, walls or year-round screen planting, when deemed necessary by the City Council, to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architecture, signs and activity on residential privacy and residential neighborhood character.

(e) Other requirements as may be considered essential for the protection of the public health, safety, welfare and convenience.

5. Plans for all mobile home parks must conform to the following minimum standards:

(a) The minimum area for any mobile home park is six (6) acres.

(b) The maximum density is ten (10) mobile home sites per acre, including land in roads, drives, easements, and service and recreation areas provided solely for the benefit of occupants of the mobile home park.

(c) The minimum lot size for individual mobile home sites is 2,400 square feet.

(d) A greenbelt planting strip, not less than twenty (20) feet in width, shall be located along all sides of the mobile home park. Such greenbelt shall be composed of one (1) row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart and not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to a height of not less than twelve (12) feet. Plants required in this greenbelt shall be carefully planted in accordance with good nursery practice and shall be maintained in good condition. Unhealthy or dead plants shall be promptly replaced. Failure to maintain the greenbelt in good condition shall constitute a violation of this Ordinance.

This greenbelt planting requirement may be modified in situations where a proposed alternate planting design exceeds the requirements of this Section or where adequate natural buffering exists, in the form of vegetation and/or terrain.

(e) All mobile home sites shall abut upon a driveway of not less than 20 feet in width. Such driveways shall have unobstructed access to a public street or highway. All driveways shall be hard surfaced, or of properly compacted gravel, dust proof, well marked and lighted by the trailer court owner.

(f) At least one off-street parking space shall be required for each mobile home site.

(g) The entire area shall be adequately serviced by water and sanitary sewers. The sanitary sewer system shall be approved by the Buncombe County Health Department.

6. Upon approval of the plan for a group project by City Council, one (1) copy of the plan shall be filed with the City Clerk and one (1) copy with the Building Inspector.

7. All approved plans for group projects shall be binding upon the applicants therefor, their succes-

sors and assigns, shall limit and control the issuance and validity of all building permits and certificates of occupancy and shall restrict and limit the construction, location, use and operation of all land and structures included within such plans to all conditions and limitations set forth in such plans; provided, however, that upon a showing of necessity therefor, minor changes in the location and size of structures may be permitted if such minor changes will not cause any of the following circumstances to occur:

(a) A change in the character of the development;

(b) A change of design for or an increase of the hazards to, pedestrian and vehicular circulation.

(c) Deleterious external effects on adjacent property;

(d) A reduction in the originally approved setbacks from property lines.

3. Pursuant to the same procedure and subject to the same limitations and requirements set forth in this Section, a plan for a group development may be amended or withdrawn, either partially or completely.

D. One Main Building on Lot.

Every building hereafter erected or moved shall be located on a lot, and in no case shall there be more thanone (1) principal building and its accessory buildings on a lot except as provided in Section 9. C. of this Ordinance.

Section 4. That Section 10 of Ordinance #322, as amended, is hereby repealed, and in lieu thereof is inserted a new Section 10, GENERAL REGULATIONS, as follows:

SECTION 10.

GENERAL REGULATIONS

A. Non-Conforming Uses.

1. The lawful use of "building" existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although such use does not conform to the provisions of this Ordinance; and such use may be extended throughout the building. provided no structural alterations except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein, but no such use shall be extended to occupy any land outside such building. If such non-conforming building is removed or the non-conforming use of such building is discontinued for a continuous period of not less than one-hundred and eighty (180) days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

2. The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance, provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such non-conforming use is discontinued for a continuous period of not less than one hundred and eighty (180) days, any future use of said land shall be in conformity with the provisions of this Ordinance.

3. A non-conforming use may be changed to a use of the same or higher classification according to the provisions of this Ordinance. When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification provided all other regulations governing the new use are complied with. Whenever a non-confirming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification. The order of classifications of uses from the highest to the lowest for the purpose of this Section shall be as follows:

(a) RA-10 Residential District
(b) RA-8 Residential District
(c) RA-4 Residential District
(d) RA-3 Residential District
(e) RA-5 Residential District
(f) RA-M Residential District
(g) Institutional District
(h) Neighborhood Trading Area
(i) Roadside Business Area
(j) Business District
(k) Commercial District
(l) Industrial District

4. Any non-conforming building, which has been damaged or partially destroyed by fire or other cause may be reconstructed or restored and used as before, provided, said reconstruction or restoration is commenced within one hundred and eighty (180) days of such damage or destruction, unless the building has been declared a total loss by the Building Inspector or his duly authorized representative, in which case any repair, reconstruction, restoration or use shall be in conformity with the provisions of this Ordinance.

B. Off-Street Parking and Loading.

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space in the amount specified by this Section. Such parking space may be provided in aparking garage or properly graded open space. The provisions of this Section shall not apply to the Business District. Parking and loading facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

1. Certification of Minimum Parking Requirements.

Each application for a building permit or certificate of occupancy submitted to the Building Inspector as provided for in Sections 12 and 13 of this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Section are met.

2. Remote Parking Space.

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet walking distance of the main entrance to such principal use. Said land shall be used for no other purpose so long as no other adequate provisions of parking space meeting the requirements of this Section have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which effects said land to parking use in connection with the principal use for which it is made available.

3. Requirements for Parking Lots in Residential Districts.

Where parking lots for more than five (5) cars are permitted or required in residential districts the following provisions shall be complied with:

(a) The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing.

(b) All entrances, exits, barricades at sidewalks, and drainage plans shall be approved by the City Engineer.

(c) A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential use shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs.

(d) Only one (1) entrance and one (1) exit sign and a sign no larger than two (2) square feet unilluminated, prescribed parking regulations may be erected at each entrance or exit. No other sign shall be permitted.

4. Minimum Parking Requirements.

The number of off-street parking spaces required by this Section shall be provided on the same lot with the principal use except as provided in paragraph B-2 of this Section, and the required number of off-street parking spaces specified in this Section for each use shall be considered as the absolute minimum. For purposes of this Ordinance, an off-street parking space shall be no less than nine (9) feet wide and twenty (20) feet long with adequate ingress and egress provided for each off-street parking space. Parking spaces shall be arranged so that all parking maneuvers shall take place off of any public right-of-way.

Residential and Related Uses	Required Parking
Any residential use consisting of not more than three (3) Dwelling Units	One (1) parking space on the lot for each dwelling unit.
Multi-family structures containing more than three (3) Dwelling Units.	One and one-quarters (1-3/4) parking spaces on the lot for each dwelling unit, except that, in the case of apartments for the elderly or efficiency apartments, required parking may be reduced by the Zoning Board of Adjustment.
Rooming or Boarding House or Tourist Home, Motel or Motor Court	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for the owner or operator. One (1) parking space for each room to be rented, plus one (1) additional parking space for each three (3) employees.
Doctor's or Dentist's Office in Residence	Three (3) parking spaces per Doctor in addition to Residence requirements.
Professional Office (other than doctor or dentist) or Home Occupation in operator's residence	One (1) parking space per office or home occupation in addition to residence requirements.
Public and Semi-Public Uses	**Required Parking**
Hospitals	One space per bed intended for patients (except bassinets or beds in student nurses quarters), plus one space for each medical staff member, plus one space for each two other employees on shift of greatest employment.
Auditorium, stadiums, assembly halls, gymnasiums, theaters, community recreation centers, churches	One (1) space per four (4) fixed seats in the largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or one

Museums and Art Galleries.	(1) space for each 150 square feet of gross floor area, whichever is needed by the facility.
Public libraries	One (1) space for each four (4) seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of greatest employment.
Elementary School and Junior High School	One (1) space for each 150 square feet of gross floor area for public use, plus one (1) space for each two (2) employees on shift of greatest employment.
Senior High School	One (1) parking space for each classroom and administrative office.
Public or Private Clubs	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office.
Public Utility Buildings	One (1) parking space for each two hundred (200) square feet of gross floor space.
Sanitariums, rest and convalescent homes, homes for the aged and similar institutions.	One (1) parking space for each two hundred (200) square feet of gross floor space.
	One (1) space for each six (6) beds, plus one (1) space for each staff or visiting doctor, plus one (1) for each four (4) employees.
Offices and Banks	Required Parking
Clinic or Doctor's Office	Three (3) parking spaces for each doctor, plus one (1) parking space for each employee.
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Professional and Business Offices	One (1) space for each 300 square feet of gross floor area.
Retail and Other Commercial	Required Parking
Retail stores and shops of all kinds including barber and shoe and similar service outlets.	One (1) space for each 200 square feet of gross floor area.
Roadside stands, new and used car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries.	Four (4) spaces for each sales person, plus one (1) space for each two (2) other employees.
Restaurants, diners, and night clubs	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on shift of greatest employment.
Service stations	Five (5) parking spaces for each grease rack and five (5) spaces for each wash rack.
Funeral Home	One (1) parking space for each four (4) seats in the chapel or parlor.
Indoor and outdoor Commercial Recreation	One (1) space for each 150 square feet of gross floor, building or ground area devoted to such use, or one (1) space for each four (4) seats of facilities available for patron use, whichever is needed by the facility.
Wholesale and Industrial Uses	Required Parking
Wholesaling and Industrial Uses	One (1) space for each two (2) employees at maximum [illegible] on a single shift

5. Off-Street Loading.

One or more loading berths or other space shall be provided for standing, loading or unloading operations either inside a building and on the same or adjoining premises which every building or structure erected after the enactment of this Ordinance; all to be in accordance with the requirements set forth in the following table. A loading berth shall have a minimum plan dimensions of 12' x 25' and 14' overhead clearance. A loading space need not be necessarily a full berth, but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The Building Inspector shall determine the sufficiency of loading space, but in no case shall the use of any such space [illegible] the free movement of vehicles and pedestrians over a street, sidewalk or alley.

Use Classification	Off-Street Loading Requirement
Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to such purposes.	One loading berth for every 20,000 square feet of floor area.
Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.	A loading space (not necessarily a full berth) as defined in the section next above.
Office buildings and hotels with a total usable floor area of 100,000 square feet or more devoted to such purposes.	One loading berth for every [illegible] square feet of floor area.

Industrial and wholesale operations with a gross floor area of 10,000 or over and as follows:

10,000 - 40,000 square feet	1 loading berth
40,000 - 100,000 square feet	2 loading berths
100,000 - 160,000 square feet	3 loading berths
160,000 - 240,000 square feet	4 loading berths
240,000 - 320,000 square feet	5 loading berths
320,000 - 400,000 square feet	6 loading berths
Each 90,000 square feet above 400,000 square feet	1 loading berth

C. Mobile Homes (Trailers).

It shall be unlawful for any person to park or locate, place, maintain, or use any mobile home within the limits of the City of Asheville on any lot or land owned by any person, occupied or unoccupied, and no lot or land shall be used for such purpose unless said mobile home and said lot or land are within a Mobile Home Park, and, except:

1. A Mobile Home may be used as a temporary shelter or office on a construction site during the actual period of construction, and;

2. One unoccupied mobile home may be parked or located in any accessory private garage building or in a rear yard of an occupied dwelling, provided no living quarters shall be maintained or any business practiced in said trailer while it is so parked or located or stored, and;

3. A Mobile Home may be temporarily parked or located, occupied or unoccupied, within the boundaries of the districts zoned as Neighborhood Trading Area and Industrial District, for a period not exceeding thirty days, providing a special permit is obtained from and issued by the Building Inspector of the City of Asheville prior to the parking or location of said Mobile Home.

D. Required Yards Not To Be Used By Another Building.

The minimum yards or other open spaces required by this Ordinance for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building except as provided in Section 9. B. of this Ordinance.

Section 5. That all references in each of the various District regulations to off-street parking are hereby repealed, and the following phrase shall be added in each such place:

"Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in Section 10-B of this Ordinance."

Section 6. That Section 19, "Definitions", of said Ordinance #322, as amended, is hereby amended by adding thereto additional parts thereof which shall be inserted in their appropriate alphabetical order as follows:

DEFINITIONS

Add to Section 19

BUILDING COVERAGE. That proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings. Structures which are below the finished lot grade, including shelters for nuclear fall-out, shall not be included in building coverages.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls (and from the center lines of party walls, if the portions of the building separated by such party walls are to be treated separately, including (a) basement space where more than one-half the basement height is above the finished lot grade averaged along the exterior walls of the building, (b) elevators and stairwells at each floor, (c) attic space, whether or not a floor has been laid, over which there is structural headroom of seven (7) feet or more, and (d) enclosed porches, interior balconies and mezzanines and penthouses; and excluding (a) floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and (b) floor space permanently devoted to parking space or parking areas.

FRONT BUILDING LINE. A line, marking the setback distance from the front line, which establishes the minimum required front yard.

FRONT LINE. In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot, the lot line separating said lot from the street which is designated as the front street in the request for a building permit. In cases where no recorded right-of-way exists or where right-of-way is less than forty (40) feet, the front line will be a line parallel to the center line of the road and not less than twenty (20) feet therefrom.

GROUP DEVELOPMENTS. Group developments shall include the following: The construction of more than one principal building on any lot; any shopping center, including those contained under one roof, having a total planned floor area of more than 25,000 square feet; any retail commercial structure having a gross floor area of more than 25,000 square feet; and mobile home parks.

MOBILE HOME. (For purposes of this Ordinance, the term mobile home shall be synoymous with house trailer, trailer coach and trailer home). Any vehicle used, or so constructed as to permit its use, as a conveyance upon the public streets or highways and duly licensed as such, which shall include self-propelled and non-self-propelled vehicles, and so designed, constructed, reconstructed or added to by means of an enclosed addition or room, in such manner as will permit the occupancy thereof as a dwelling unit and having no foundation other than wheels, jacks or skirtings.

MOBILE HOME PARK. Any premises where mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as part of such mobile home park.

MOBILE HOME SITE. A plot of ground within a Mobile Home Park designated for the accommodation and use of one trailer or mobile home, and containing all improvements and utility connections required under this Ordinance and other applicable City Codes.

SIGN, AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of writing representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the supports or uprights on which such sign is placed; except that when a sign is supported by a structure which structure is used principally for the support of such sign, the area of the structure shall be included as part of the sign area. Where a sign has two or more faces, the area of all such faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of the larger of the two faces.

SIGN, DIRECTLY ILLUMINATED. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

SIGN, INDIRECTLY ILLUMINATED. A sign illuminated with a remote light source so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

SIGN, NON-ILLUMINATED. A sign which is not illuminated, either directly or indirectly.

USABLE OPEN SPACE. Space on a lot that is: (a) unoccupied by principal or accessory buildings above the finished lot grade, (b) unobstructed to the sky, (c) not devoted to service driveways or off-street parking or loading, (d) devoted to landscaping, drying yards, recreation space and other like uses, and (e) available in the same proportion to all occupants of the building or buildings on the lot. In addition, up to half the required usable open space of any dwelling unit may be made up of space on exterior balconies and roofs that is available for the purposes stated in (d) above.

Section 3. That Section 5.1, INSTITUTIONAL DISTRICT, of said Ordinance #322, as amended, is hereby amended by repealing paragraph numbered 1. under A. Uses Permitted, and in lieu thereof inserting the following:

1. Any use permitted in RA-M Residential District provided that all residential structures shall comply with all area and dimensional requirements of the RA-M District.

Section 5. That paragraph D. 2. and paragraph D. 3. of Section 2 of Ordinance #322, as amended, are hereby repealed.

Section 9. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 10. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 11. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 12. That this ordinance shall be in full force and effect fifteen days from the date of its passage.

I move the adoption of the foregoing ordinance, this 16 day of July, 1964.

W. F. Algary
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 6 day of August, 1964, to become effective 21 days of August 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Spencer
CITY CLERK

Mr. William Cocke, attorney for Harold H. Thoms, President of WISE-TV, Inc., presented a communication from WISE-TV, Inc. advising that said corporation accepted the conditions of the City of Asheville in regard to said application conditioned upon the award being made to the applicant submitting the bid which will result in the highest return to the city, sealed bids to be called for and opened in public on August 31, 1964 in the Council Chamber at City Hall at 4:00 P. M., and that the grant be by way of exclusive franchise to be submitted for approval or disapproval to the voters. Mr. Cocke further presented a financial statement and a telegram from Spencer-Kennedy Laboratories.

Mr. Cocke was advised that all proposals will be considered next Thursday.

Councilman Mulvaney brought up the matter of recently publicized explosion dangers from certain types of electric hot water heaters.

The Director of Public Safety advised that the city no longer has a plumbing code, but this is handled on a county-wide basis. However, he further advised that an amendment to the city's boiler code covering the situation will be presented to the Council shortly.

Ordinance No. 502, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1964-65", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

Margaret Spencer
CITY CLERK

Thursday, August 13, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 13, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, Ralph D. Morris, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Frederic A. Manchester containing a proposal covering the operation of the Air Travel Insurance booth at the Asheville Airport.

This proposal was referred to the City Manager for investigation and report back to the Council.

COMMUNITY ANTENNA TELEVISION - PROPOSAL OF SAM L. IRVIN ON BEHALF OF COMMUNITY ANTENNA SUPPORTING EDUCATION (CASE)

A letter was received from Sam L. Irvin on behalf of Community Antenna Supporting Education (CASE) requesting a franchise from the City of Asheville to construct and operate a CATV system, the same to be financed by non-profit CASE, and to be paid for by a Two Hundred Thousand Dollar bond issue.

Councilman Algary then stated: "A full discussion should be developed as to the potential of a CATV system to serve the Asheville area, and especially the possibilities of new revenue to the city that could assist in making possible many facilities needed, such as a coliseum, civic arts center, and the need for developing a fourth phase in our economy (in addition to agriculture, tourism and industry) - a cultural center, such a center to place emphasis on the several arts, including the performing arts, crafts, etc.

"In the public interest, I move that the City of Asheville retain this franchise; that the City Manager be directed to develop all of the facts necessary for the installation of a CATV system to serve metropolitan Asheville, such installation to be owned and operated by the City of Asheville; and that the City Manager be authorized to secure technical assistance in carrying out this assignment."

The above motion was seconded by Councilman Sumner, and unanimously adopted.

Ordinance No. 502, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1964-65", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 502

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1964-65

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1964 and ending on June 30, 1965, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 463,446.36
Law	33,207.58
Finance	57,479.45
Aviation	160,728.00
Public Safety	1,638,893.24
Libraries	172,124.30
Public Works	1,341,589.39
Parks and Playgrounds	246,657.00
Civil Service	5,870.00
Total General Operating Fund	$ 4,119,995.32

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,683,369.32
	$ 1,683,369.32

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 686,194.00
Water Refunding Bonds	230,000.00
Water Bond Issue 1951	193,623.13
Water Bond Issue 1961	267,667.00
Airport Bond Issue 1 and 2	114,434.00
Urban Redevelopment Bonds	75,550.00
Total Debt Service Fund	$ 1,567,468.13
TOTAL APPROPRIATIONS	$ 7,370,832.77

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1964 and ending on June 30, 1965 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$1,190,822.00
Other Revenues as follows:	
License & Privilege Taxes	231,300.00
Payment in Lieu of Taxes	660,000.00
Fees	103,700.00
Parking Meter Fees	78,000.00
Court Costs	71,000.00
Rents	66,000.00
Income from Parks	96,850.00
Miscellaneous	107,500.00
Contribution from State Rev. Dept.	75,000.00
Contribution from Water Dept. Surplus	195,823.32
Contribution from State St. Fund	300,000.00
Contribution from Housing Authority	15,000.00
Contribution from ABC Stores	630,000.00
Riverside Cemetery	18,000.00
Aviation	75,000.00
Current Year's Poll Tax and Taxes other than Current Year's Property Tax and Other Than Hereinbefore Itemized	$ 206,000.00
TOTAL GENERAL OPERATING FUND	$ 4,119,995.32

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,683,369.32
	$ 1,683,369.32

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 876,178.00
Water and Other Charges from Water Department	691,290.13
TOTAL DEBT SERVICE FUND	$ 1,567,468.13
TOTAL ESTIMATED REVENUES	$ 7,370,832.77

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1964 for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.9161
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.6739
Total rate per $100 of valuation of taxable property	$1.59

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $130,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 30 day of July, 1964.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 13 day of August, 1964, to become effective 13 day of August, 1964.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

[illegible] LOTS 2
[illegible] WARD 6
[illegible] RESOLUTION
[illegible] LIC HEARING

Councilman Morgan introduced a resolution providing for a public hearing on petition to close an alley lying between Lots 2 and 152, Sheet 10, Ward 6 and deadending on Lots 1 and 187, Sheet 10, Ward 6, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 344.

[illegible] ION OF THE CITY
[illegible] INTMENT OF MEMBER
[illegible] Sr.

Councilman Mulvaney introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 345.

[illegible] PORT OF
[illegible] ON OFFER OF
[illegible] MARTIN TO PURCHASE
[illegible] Pearl Street

In regard to the offer of Leroy Martin to purchase #46 Pearl Street, the City Manager reported that according to the tax records the offer is not sufficient, and that he will so advise Mr. Martin and if he wishes to make another offer same will be brought back to the Council.

Miss McCoy presented a letter of protest to the Urban Renewal Project.

In response to questions by Harold H. Thoms, president of WISE-TV, Richard Shafto, president of the Broadcasting Company of the South, and Morton S. Cohn, vice president and general manager of WLOS-TV, the Council explained that the action in regard to CATV called for direct operation by the City, that the franchise is the city's and remains under the control of the city, and that the stipulations laid down by the Council will be met.

Mr. John Shuford, attorney for Mrs. Mary Jane Pegram, requested the Council to take formal action on the recommendation of the Planning and Zoning Commission regarding Lot 92, Sheet 11, Ward 2.

Councilman Sumner moved that the recommendation of the Planning and Zoning Commission that Lot 92, Sheet 11, Ward 2 remain as now zoned, be upheld by the City Council, which motion was seconded by Councilman Morris, and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 20, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 20, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from J. O. Buchanan resigning as a member of the City of Asheville Board of Alcoholic Control due to his appointment as Commissioner on the North Carolina Highway Commission.

This resignation was accepted by the Council with regret.

A letter was received from John A. Duke Enterprises proposing to enter into a five year lease for the concession to sell flight insurance over the counter and by vending machines at the Asheville Airport at a monthly rental of $50.00 a month or 15% of gross receipts, whichever is greater.

The City Manager advised that the city could not enter into an exclusive agreement with anyone, and suggested that this matter be referred to his office for consideration, which was done.

A petition signed by a number of residents in the Town Mountain Road area, requesting that the area lying between Town Mountain Road and the new RA-M District be rezoned from RA-6 Residential District to RA-9 Residential District, was received.

This petition was referred to the Planning and Zoning Commission for study and recommendation.

A petition, signed by a number of citizens, requesting two-way traffic on South Market Street north of Eagle Street, was received.

This matter was referred to the Director of Public Safety for a full report.

Councilman Algary introduced a resolution appointing H. G. Strom to fill the unexpired term of J. O. Buchanan on the Alcoholic Beverage Control Board, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 346.

NDMENT -

Councilman McRary introduced a resolution authorizing and directing the Mayor to execute an amendment to lease for property at the corner of Marjorie and Davidson Streets for a municipal parking lot, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 347.
Copy of lease will be found attached to original resolution.

The following resolution was offered by Councilman Morgan, and seconded by Councilman Mulvaney, and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission and this Municipality on the 8th day of May, 1958, entered into a certain Municipal Agreement under Project 8.19030, Buncombe County, for the construction of an expressway extending from Patton Avenue at the east end of the Smoky Mountain Bridge through Asheville to a point near Beaucatcher Tunnel as shown on the plans of Project 8.19030, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; and ,

WHEREAS, the State Highway Commission proposes under Project 8.19048, Buncombe County, to construct and improve N. C. Highway 191, with controlled access, from the end of Interstate Highway 26 south of Asheville to the Smoky Mountain Bridge, a portion of which will be within the corporate limits of this Municipality; and,

WHEREAS, the State Highway Commission proposes under Project 8.19068 and 8.19069, Buncombe County, to construct and improve US Highways 19, 23, 25 and 70, with controlled access, from Newbridge to the Asheville Expressway, a portion of which will be within the corporate limits of this Municipality; and,

WHEREAS, the State Highway Commission and this Municipality have mutually agreed that the corporate limits of this Municipality, as of the date of the awarding of the contracts for construction of the above mentioned projects, are to be used in determining the duties, responsibilities, rights, and legal obligations of the parties herein; and,

WHEREAS, the State Highway Commission and this Municipality have agreed that the obligation of the City of Asheville shall be twenty (20) per cent of the total right of way costs expended by the Commission on Project 8.19030, twenty-five (25) per cent of the total right of way costs expended by the Commission on Project 8.19048, and fifty (50) per cent of the total right of way costs expended by the Commission on Projects 8.19068 and 8.19069, and it being further agreed that this Municipality will participate in the cost and expense of acquiring all rights of way necessary for the location and construction of the said projects within the corporate limits of this Municipality to the extent hereinabove mentioned, payable in annual equal installments of One Hundred Ten Thousand Dollars ($110,000.00) until the total obligation is satisfied, the last payment being tentative and subject to final adjustment when actual cost figures are known, with the first payment being due November 1, 1964; and,

WHEREAS, the Municipality will exercise any rights which it may have under any franchise to effect the changing, adjusting, or relocating of telephone, telegraph, electric power lines, underground cables, gas lines or any privately or publicly owned utilities without expense to the Commission, and will without cost to the Commission, provide for the laying, changing, relaying, or repairing of any necessary municipally-owned electric lines, water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services extending to the outer edges of said projects, whether made necessary by the widening of existing or the construction of new or relocated streets or sidewalks, for the construction of the above captioned projects, all such work either to be done or arranged for in a manner satisfactory to the Commission prior to the commencement of the construction of the projects herein referred to. Except the Commission will reimburse the Municipality in accordance with the policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference; and,

WHEREAS, it is agreed between the State Highway Commission and this Municipality that specific agreements will be entered into at a later date on Projects 8.19048, 8.19068 and 8.19069 as to traffic operation controls.

NOW, THEREFORE, BE IT RESOLVED that the Agreement on Projects 8.19030, 8.19048, 8.19068 and 8.19069, Buncombe County, be and they are hereby formally approved by the City Council of the City of Asheville, and that the Mayor and Clerk (or Manager) of said Municipality be and they are hereby empowered to sign and execute the required agreement between the City of Asheville and the State Highway Commission.

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 20 day of August, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Copy of resolution will also be found in Resolution Book #4 at page 348.
Copy of Agreement will be found attached to original resolution.

PROJECT #2 -
RESOLUTION APPROVING UNDERTAKING
OF SURVEYS AND PLANS FOR AN URBAN
PROJECT AND FILING OF AN
APPLICATION

Councilman Algary introduced a resolution of the City Council of the City of Asheville, North Carolina, approving undertaking of surveys and plans for an Urban Renewal Project and filing of an application, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 349.

RBAN RENEWAL PROJECT #2 - PROTEST
AND MISS MCCOY

Miss Fannie McCoy appeared before the Council and called the Urban Renewal communistic.

CABLE ANTENNA TV - STATEMENT
BY COUNCILMAN ALGARY

Councilman Algary read a statement regarding cable antenna television, and requested that it be made a part

of the minutes of this meeting as follows:

"All of our news media has been very active during the past week in spelling out the things they see wrong with the unanimous action this council took at our last meeting regarding Cable Antenna TV. With this, I have no quarrel as I feel it healthy to have full discussions on this matter. However, none of the media has seemed to accept the fact that this council has accepted the responsibility and has acted after full deliberation according to what they sincerely believe would be in the best interest of all our citizens and especially the taxpayers.

"1. This will in any event have to be a franchise operation and, consequently, removes itself from the category of private enterprise though it is true that the city council has the responsibility to determine whether the city itself or a private group should exploit that franchise. But, a franchise is and will always be a responsibility of the city government. We cannot get rid of it. We can only lease, give or sell the right to operate the franchise. It is one of the few assets that the city has other than taxes. As far precedent, we operate the water system, the A.B.C. stores, own and lease property, own and operate the airport and it has recently been suggested by one of our news media that we take over and operate the city bus system.

"Asheville needs a civic, convention, arts and crafts center very badly. It should be built immediately for the cultural advantage of our area and to attract and hold more visitors to our area and to put our convention bureau in a better position to attract larger groups and for many other uses. We simply do not have the money until we can tap another source of income. In light of the enthusiastic and very competitive effort by five very sound financial groups, we cannot help but be convinced that this would be a profitable venture for all our citizens.

"2. I believe the integrity of this council is such that the most stringent safeguards possible will be written into this operation insofar as any distortion of programs being carried is concerned that not one second of deviation can be made. I believe this council feels strongly enough about this that extreme safeguards will be written into it to the point that even the approach of a hydrogen bomb could not be independently announced over this system.

"3. This city council is sound enough business-wise, is fully aware of our financial problems, and does not propose that this be an entanglement of the city's finances in any way. We believe it will be found to be a sound enough venture to stand on its own merits and financed accordingly, or it should not be done.

"4. Each citizen in Asheville, for its own protection in this venture as in any other operation, is much closer to the city government than it could ever be to any board of directors."

Mr. Herschel Harkins, attorney for White Transportation Company, appeared before the Council and advised that the finances of the company are improved to such an extent that the company will soon be in a position to extend service into recently-annexed areas, lessen overcrowding of buses making school runs, and begin a program of "refurbishing" equipment. In answer to questions Mr. Harkins said the firm is not yet in a position to purchase new buses except those needed for the new runs into annexed areas, and pointed out that automotive experts have advised him that new diesel engines would produce just as many unpleasant exhaust fumes as the diesel engines now in use on the buses. Mr. Harkins stated that a proposal would be presented to the Council by next Thursday if possible.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 27, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 27, 1964, at 4:00 o'clock P. M. with Mayor H. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, Ralph D. Morris, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from L. H. Giezentanner requesting the rezoning of his property, Lot 4½, Sheet 4, Ward 2, at the corner of Merrimon Avenue and Hillside Street from Residential District to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Morgan introduced a resolution authorizing Mayor to execute amendment to lease with Miller Printing Company Co. for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 350.
Copy of lease will be found attached to original resolution.

The City Manager presented the bids which were received for the construction of the Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center on U. S. Highway 70, together with the recommendation of the Six Associates, Inc. for the awarding of said bids:

GENERAL CONTRACTOR

Merchant Construction Co.	$ 116,453.00
Burke Lumber Co.	123,578.00
C. E. Cochran Construction Co.	123,667.00
H. M. Rice & Son	126,089.00
Z. B. Robinson Construction Co.	115,076.00
Buncombe Construction Co.	124,548.00

PLUMBING CONTRACTOR

Moser Plumbing Co.	$ 9,255.00
Rogers Plumbing & Heating Co.	7,540.00
Price Piping Co.	10,250.00

HEATING & VENTILATING CONTRACTOR

	$ 14,440.00
Moser Plumbing Co.	11,294.00
A & W, Inc.	15,300.00
Rogers Plumbing & Heating Co.	14,570.74
Stroup Sheet Metal Works	

ELECTRICAL CONTRACTOR

	$ 18,187.00
H. B. Haymes Electric Corp.	17,946.00
Hayes & Lunsford Electric Co.	18,984.00
Bryant Electric Co.	

Councilman Morris introduced a resolution awarding contracts for construction of Haw Creek-Beverly Hills Fire Station, Branch Library and Community Center on U. S. Highway 70, and directing City Manager to execute same, which was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 351.

The City Manager advised that since red signal lights are used on fire trucks, ambulances, wreckers and other vehicles that in order to avoid confusion it had been suggested by national publications that signal lights on police cars be changed to blue.

Councilman McRary then introduced Ordinance No. 503, being "AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, SECTION 693 (C) OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE SO AS TO REQUIRE BLUE EMERGENCY SIGNAL LIGHTS ON VEHICLES OF THE POLICE DEPARTMENT ONLY", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner introduced a resolution authorizing and directing Mayor and City Clerk to execute agreements with Frederic A. Manchester and wife, Virginia H. Manchester (a partnership), and John A. Duke Enterprises relating to flight insurance at Asheville Airport, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 352.
Copy of contracts will be found attached to original resolution.

The City Manager advised that upon recommendation of the Air Pollution Control Engineer and the Advisory Board an amendment had been prepared to the air pollution control ordinance, and the Corporation Counsel explained the provisions of the amendment.

Following a discussion, Councilman Mulvaney introduced ORDINANCE NO. 504, being "AN ORDINANCE AMENDING ORDINANCE #310, ENTITLED 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY'", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the report of the City of Asheville Libraries for the year 1963-64.

Mr. Herschel Harkins, attorney for White Transportation Company, presented an augmented schedule of bus services to city schools designed to end over-crowding on the buses, and thanked the Public Safety Department, the

Superintendent of Schools, and the various school principals for their cooperation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 3, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 3, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, Ralph D. Morris, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition from property owners of the Wilshire Park section, requesting cancellation of a building permit issued to J. W. Caudle of Providence Road for construction of a garage apartment, was received. The petition recited deed restrictions which allegedly prohibit such construction.

The Council decided the deed restrictions are a civil matter between property owners, but the City Manager was requested to check the zoning regulations in this matter.

The Council received from Frank Ford an offer to purchase from the City of Asheville a tract of land 500 feet on Riverside Drive, running back to the river, said tract of land lying immediately north of Frank Ford Used Auto Parts, for the sum of $40.00 per front foot.

The City Manager advised it would be necessary to prepare a metes and bounds description of this property, and advertise same for sale at public auction.

The Corporation Counsel was requested to prepare the necessary resolution, upon motion of Councilman Mulvaney, seconded by Councilman Morris, and unanimously adopted.

A petition of property owners was received requesting that the city annex certain property located between Johnson Boulevard and Deaverview Drive.

The City Manager advised that it would be necessary to prepare a metes and bounds description of this property, and advertise for a public hearing on the matter.

Councilman Morgan moved that the Corporation Counsel be requested to prepare the necessary resolution, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 101, 102, 103, 284, 104, 104-1/2, and 285, Ward 3, Sheet 2, and Lots 62 and 63, Ward 3, Sheet 13 to Business District.

September 2, 1964

Honorable Mayor
Members of City Council
City Hall,
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, Director Barbour pointed out that in describing the new RA-M District boundary, the Commission had failed to omit a business area in the vicinity of the Cherry Street, Montford Avenue and Hill Street intersection. To correct this error, the following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 101, 102, 103, 284, 104, 104-1/2 and 285, Ward 3, Sheet 2, and Lots 62 and 63, Ward 3, Sheet 13, be rezoned from RA-M District to Business District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that a strip of land lying between Town Mountain Road and the new RA-M District be rezoned from RA-6 Residential District to RA-9 Residential District.

September 2, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. George Coggins and others that a strip of land lying between Town Mountain Road and the new RA-M District be rezoned from RA-6 Residential District to RA-9 Residential District:

It was moved, seconded, and unanimously passed that the Commission recommend that the following described property be rezoned from RA-6 Residential District to RA-9 Residential District:

Beginning at a point at the southeast corner of Lot 11, Ward 2, Sheet 17; thence proceeding in a northerly direction following the eastern boundary of the RA-M Residential District to a point formed by the center-line of Oak Park Street and the eastward projection of the northern boundary line of Lot 38, Ward 2, Sheet 17; thence along a straight line connecting this point with the northwestern corner of Lot 23, Ward 2, Sheet 17; thence in a southerly direction following the western boundary lines of Lots 23, 22-1/4, 22, 21, 20, 19, and 198-1/4 to a point at the southwestern corner of Lot 198-1/4, Ward 2, Sheet 17; thence in a westernly direction following the northern boundary of Lot 199, Ward 2, Sheet 17, to the western corner of said lot; thence in a southerly direction following the western boundaries of Lots 200 and 15-1/4 to the southwestern corner of Lot 15-1/4, Ward 2, Sheet 17; thence in an easterly direction along a line formed by the southern boundaries of Lots 15-1/4, 196, and 197, Ward 2, Sheet 17, and projected to its intersection with the eastern right-of- way line of Town Mountain Road; thence following the eastern right-of-way line of Town Mountain Road in a southerly direction to its intersection with the eastern right-of-way line of New College Street; thence to a point formed by the intersection of the eastern right-of-way line of Cameron Street and the western right-of-way line of Town Mountain Road; thence in a southwesterly direction following the northern right-of-way line of College Street to the point of Beginning.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 4-1/2, Sheet 4, Ward 2 from RA-6 Residential District to Neighborhood Trading Area.

September 2, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. L. H. Giezentanner:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot r-1/2, Sheet 4, Ward 2, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

The above recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission, and to give notice and publication of a public hearing on same.

A letter was received from the Planning and Zoning Commission recommending approval of a plat of the Tunnel Road Shopping Center, and the City Manager presented a letter from the State Highway Commission containing traffic requirements for this Center.

September 2, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission reviewed the attached plan of a proposed shopping center on Tunnel Road. The plan was

designed by Ferebee and Walters of Charlotte, Architects, for Mr. Perry Alexander, Developer, and dated - Revised August 6, 1964.

The Commission then moved, seconded, and unanimously passed that the plan be given preliminary approval and recommended to City Council for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Councilman Mulvaney moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Morris, and unanimously adopted.

Ordinance No. 503, being "AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, SECTION 693 (C) OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE SO AS TO REQUIRE BLUE EMERGENCY SIGNAL LIGHTS ON VEHICLES OF THE POLICE DEPARTMENT ONLY", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 504, being "AN ORDINANCE AMENDING ORDINANCE #310, ENTITLED 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY' was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that in connection with the widening of US 70 from Haw Creek intersection to Gudger's Bridge it was necessary to enter into an agreement with the State Highway Commission regarding the city's cooperation in relocating water and sewer facilities, traffic controls, and the city to pay 50% of the right-of-way costs that lies within the city limits.

The following resolution was offered by Councilman Morgan, and was seconded by Councilman Sumner, and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within this Municipality consisting of the improvement of US Highway 70 as shown on the plans of Project 8.19038, Buncombe County, and said project having right of way widths of 100 feet measured 50 feet each side of the survey center line as shown on the plans of Project 8.19038, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said improvement is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said project, it is provided that this Municipality cooperate with said Commission to the extent of:

(1) Participating in the cost and expense of acquiring all of the rights of way necessary for the location and construction of the said project, and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof, to the extent of fifty (50) per cent of the total cost thereof, to be paid within sixty (60) days after the date of billing by the Commission which will be upon the completion of the project.

(2) Authorizing the Commission to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay the Commission for said right of way costs, in accordance with the provisions for payment hereinabove provided, until such time as the Commission has received payment in full for said right of way costs.

(3) Exercising any right which it may have under any franchise to effect the changing, adjusting, or relocating of telephone, telegraph, electric power lines, underground cables, and gas lines or any privately or publicly owned utilities without expense to the Commission, and, without cost to the Commission, providing for the laying, changing, relaying or repairing of any necessary municipally-owned electric lines, water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services extending to the outer edges of said project, whether made necessary by the widening of existing or construction of new or relocated streets or sidewalks. Except, the Commission will reimburse the Municipality in accordance with the policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(4) Entering into an agreement with the Commission as to establishing and maintaining traffic controls for the regulation and movement of traffic on said project.

WHEREAS, the State Highway Commission and the Municipality have mutually agreed that the corporate limits of the Municipality, as of the date of the awarding of the contract for construction of the above mentioned project, are to be used in determining the duties, responsibilities, rights, and legal obligations of each party.

NOW, THEREFORE, BE IT RESOLVED that the said Project 8.19038, Buncombe County, be and the same is hereby formally approved by the City Council of the City of Asheville, and that the Mahor and the City Manager (Clerk) of the City of Asheville be and they are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

I move the adoption of the foregoing resolution, this 3 day of September, 1964.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 3 day of September, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #4 at page 353.
Copy of contract will be found attached to original resolution.

The City Manager advised that in connection with the Construction of Interstate 40 and the interchange of US 25 and Interestate 40 it was necessary to enter into an agreement with the State Highway Commission regarding the city's cooperation in relocating water and sewer facilities, and traffic controls, and that the city would be reimbursed for the relocation of certain water and sewer facilities.

The following resolution was offered by Councilman Mulvaney, and was seconded by Councilman Morris, and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within this Municipality consisting of the construction of Interstate Highway 40 and the interchange of U. S. Highway 25 and Interstate Highway 40 as shown on the plans of Project 8.19092, Buncombe County, and said project having right of way widths and controlled access as shown on the plans and specifications of Project 8.19092, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said improvement is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said project, it is provided that this Municipality cooperate with said Commission to the extent of:

(1) Exercising any right which it may have under any franchises to effect the changing, adjusting, or relocating of telephone, telegraph, electric power lines, underground cables, and gas lines or any privately or publicly owned utilities without expense to the Commission, and, without cost to the Commission, providing for the laying, changing, relaying or repairing of any necessary municipally-owned electric lines, water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services extending to the outer edges of said project, whether made necessary by the widening of existing or construction of new or relocated streets or sidewalks. Except, the Commission will reimburse the Municipality in accordance with the policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(2) Entering into an agreement with the Commission as to establishing and maintaining traffic operating controls for the regulation and movement of traffic on said project.

WHEREAS, the State Highway Commission and the Municipality have mutually agreed that the corporate limits of the Municipality, as of the date of the awarding of the contract for construction of the above mentioned project, are to be used in determining the duties, responsibilities, rights, and legal obligations of each party.

NOW, THEREFORE, BE IT RESOLVED that the said Project 8.19092, Buncombe County, be and the same is hereby formally approved by the City Council of the City of Asheville, and that the Mayor and the City Manager (Clerk) of the City of Asheville be and they are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

I move the adoption of the foregoing resolution.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 3 day of September, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 354.
Copy of Agreement will be found attached to original resolution.

There was presented at this meeting a form for an agreement, dated the 1st. day of September, 1964, to be entered into between the Metropolitan Sewerage District of Buncombe County, North Carolina, and the City of Asheville.

After consideration of the proposed Agreement, Councilman Algary introduced the following Resolution which was read:

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO EXECUTE AN AGREEMENT WITH THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

BE IT RESOLVED that the Mayor be, and he is hereby authorized and directed to execute the Agreement dated as of September 1st, 1964, between the Metropolitan Sewerage District of Buncombe County and the City of Asheville, which Agreement shall be substantially in the form presented at this meeting.

Upon motion of Councilman Algary, seconded by Councilman Morris, the foregoing Resolution was passed by the following vote:

Ayes: Councilmen Algary, Mulvaney, Morris, Sumner, Morgan, and Mayor Eller

Nays: None

Complete copy of resolution will also be found in Resolution Book #4 at page 355.
Copy of agreement will be found attached to original resolution.

THIS AGREEMENT, dated for convenience of reference as of the 1st day of September, 1964, by and between

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY,

North Carolina (hereinafter sometimes called the "DISTRICT"), a public body and body politic and corporate created and established under the provisions of the North Carolina Metropolitan Sewerage Districts Act, Chapter 153, Article 25, Sections 153-295 to 153-324, inclusive, of the General Statutes of North Carolina, and the City of Asheville, a municipal corporation of the State of North Carolina (hereinafter sometimes called the "City"), a political subdivision in Buncombe County,

WITNESSETH:

WHEREAS, the District was created and established by the North Carolina State Stream Sanitation Committee by resolution adopted on January 19, 1962, the District being comprised of the following political subdivisions:

City of Asheville
Town of Biltmore Forest
Town of Weaverville
Town of Black Mountain
Woodfin Sanitary Water and Sewer District
Busbee Sanitary Sewer District
Crescent Hill Sanitary Sewer District
Skyland Sanitary Sewer District
Fairview Sanitary Sewer District
East Biltmore Sanitary Sewer District
Caney Valley Sanitary Sewer District
Swannanoa Water and Sewer District
Beaverdam Water and Sewer District
Venable Sanitary District;

and

WHEREAS, there are no public sewage disposal systems within the District to collect, treat, purify or dispose of the sewage generated by the various political subdivisions comprising the District; and

WHEREAS, the dumping of sewage into the streams and rivers in the District and surrounding area constitutes a serious health menace and the North Carolina State Stream Sanitation Committee has ordered the various political subdivisions comprising the District to cease such dumping and to provide adequate sewage disposal facilities; and

WHEREAS, under the North Carolina Metropolitan Sewerage Districts Act, the District is authorized and empowered among other things:

(a) to acquire, construct, improve, extend, enlarge, equip, repair, maintain and operate a sewage disposal system;

(b) to issue its general obligation bonds or revenue bonds for the purpose of providing funds for paying all or any part of the cost of a sewage disposal system;

(c) to fix and revise from time to time and to collect rents, rates, fees and other charges for the use of or for the services and facilities furnished by a sewage disposal system;

(d) to secure any general obligation bonds of the District by a pledge of the revenues of any sewage disposal system;

(e) to levy and collect annually a tax ad valorem upon all the taxable property in the District sufficient to pay the interest on and the principal of any such general obligation bonds as such interest and principal become due; provided, however, that such tax may be reduced by the amount of other moneys actually available for such purpose;

(f) to make and enter into contracts or agreements with the governing bodies of any political subdivisions upon such terms and conditions and for such periods as any such governing body and the District Board of the District may determine with respect to:

(i) the collection, treatment and disposal of sewage,

(ii) the collecting by such political subdivision or by the District of rents, rates, fees or charges for the services and facilities provided to or for such political subdivision or its

inhabitants by any sewage disposal system, and for the enforcement of collection of such rents, rates, fees and charges, and

(iii) the imposition of penalties, including the shutting off of the supply of water furnished by any water system owned or operated by any such political subdivision, in the event that the owner, tenant or occupant of any premises utilizing such water shall fail to pay any such rents, rates, fees or charges; and

WHEREAS, the District has caused its Consulting Engineers to prepare a report (hereinafter called the "Engineering Report") recommending the type of sewage disposal system which will be adequate to accommodate the needs of the District and the District has estimated that the cost of financing and constructing such sewage disposal system and placing the same in operation will be approximately $10,400,000; and

WHEREAS, the District has estimated that the cost of constructing a sewage disposal system to serve the District would be less than the total cost of constructing individual sewage disposal systems to serve the various political subdivisions comprising the District; and

WHEREAS, a majority of the qualified voters of the District voting at an election have heretofore approved a bond order authorizing the issuance of not exceeding $10,400,000 Sewage Disposal System Bonds of the District for the purpose of providing funds, with any other available funds, for constructing a sewage disposal system for the District, including treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto, and the levy of a tax for the payment thereof; and

WHEREAS, in the bond order authorizing said bonds the District reserved the right to pledge to the payment of said bonds and the interest thereon revenues of such sewage disposal system available therefor if and to the extent that the District Board should thereafter determine by resolution prior to the issuance of bonds; and

WHEREAS, the District has determined to pledge the revenues of such sewage disposal system, over and above the cost of maintaining, repairing and operating such system, to the payment of said bonds and the interest thereon;

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions and obligations herein undertaken, it is agreed as follows:

1. The District will use its best efforts to consummate the sale of its bonds at the earliest practicable date in an aggregate principal amount sufficient to pay the cost of constructing and placing in operation the sewage disposal system recommended in the Engineering Report (such sewage disposal system being hereinafter called the "Sewage Disposal System").

2. In the event that the District consummates the sale of such bonds it will proceed to construct the Sewage Disposal System with all expedition practicable upon receipt of the proceeds of such bonds.

3. The District will cause the necessary connections to be made in order to receive and accept for collection, treatment and disposal any sewage originating in the City or flowing through the sanitary sewer system serving the City; provided, however, that the District reserves the right to limit the quantity of sewage so received and accepted by the District if such sewage together with all other sewage received and accepted by the District will, in the sole discretion of the District, unreasonably burden the efficient operation of the Sewage Disposal System.

4. The District will collect, treat in accordance with law and dispose of any sewage originating in the City or flowing through the sanitary sewer system serving the City in the same manner and to the same extent or degree as it collects, treats and disposes of all other sewage entering the Sewage Disposal System.

5. So long as the Sewage Disposal System remains in existence and under operation by the District, or by any successor thereof, the City shall continue to have the right to make use of the services and facilities of the Sewage Disposal System in the manner and upon the conditions set out in this Agreement.

6. The City shall utilize the services and facilities provided by the Sewage Disposal System and shall not construct, acquire or utilize any facilities other than the facilities of the Sewage Disposal System for the collection, treatment and disposal of sewage except to the extent that the services and facilities of the Sewage Disposal System required to meet the sewage disposal needs of the City shall not be provided by the Sewage Disposal System.

7. The City shall comply with all rules and regulations adopted by the District which may pertain to the collection, treatment and disposal of sewage by the Sewage Disposal System.

8. The rates, fees and charges for the use of and for the services and facilities furnished by the Sewage Disposal System shall be fixed and established by the District and shall not be subject to supervision or regulation by the City.

9. If, and to the extent that, the City furnishes water on a retail basis to any lots or parcels of land which may be connected with or may use the Sewage Disposal System by or through any part of the sanitary sewer system serving the City and the City renders a bill for such water service, the City agrees that it will act as billing and collecting agent for the District and will collect the rates, fees and charges imposed by the District for the services and facilities provided by the Sewage Disposal System. The rates, fees and charges imposed by the District will be included as a separate item in the bills rendered by the City for water service and if any payments received by the City shall be less than the total amount of the charges for both water service and sewage disposal service, the amount received shall be pro rated as to each such item. In the event that any sewage disposal service charges shall not be paid, the City shall, upon the receipt of instructions from the District, discontinue the furnishing of water to such lot or parcel of land until such time as the City shall be advised by the District to resume the furnishing of water. The District will reimburse to the City the additional expenses incurred by the City in rendering such billing and collecting service to the District, the amount, manner and time of such reimbursement to be determined by the District and the City from time to time, provided, however, that the total amount to be paid by the District shall not exceed $1.20 per billing customer per year. The records and accounts of the City relating to such billing and collecting shall be open to the inspection of the District at all reasonable times.

10. This Agreement shall continue in full force and effect and without termination so long as the Sewage Disposal System remains in existence and operation.

11. This Agreement shall inure to the benefit of and be binding upon all successors of each of the parties hereto.

12. This Agreement shall become effective on the date of its execution by the parties hereto; provided, however, all rights and obligations of the parties hereto shall terminate unless prior to January 1, 1966, the District shall have sold and issued its bonds to finance the cost of construction of the Sewage Disposal System.

IN WITNESS WHEREOF the Metropolitan Sewerage District of Buncombe County, North Carolina, has caused this Agreement to be executed by its Chairman and its official seal to be affixed hereto and the City Council of the City

of Asheville has caused this Agreement to be executed by E. W. Eller, Mayor and the official seal of the City to be affixed hereto, all as of the 1st day of September, 1964.

(SEAL)
ATTEST:

_____
Secretary

Metropolitan Sewerage District
of Buncombe County, North Carolina

By_____
Chairman

(SEAL)
ATTEST:

_____
City Clerk

CITY OF ASHEVILLE

By_____
Mayor

The City Manager advised that today is the date set for the public hearing on the proposed annexation of the Governor's Mansion property on Patton Mountain.

There being no objection, Councilman Mulvaney introduced Ordinance No. 505, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morris moved that the Charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 505, "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 505, "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 505

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of the property included within the description hereinafter set out has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owner of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 3rd day of September, 1964 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tract of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

located in Beaverdam Ward, Buncombe County, North Carolina, Ward 9, Sheet 5. BEGINNING at an iron pipe in the most easterly corner of Lot 35, Beaverdam Ward, Sheet 5, Buncombe County Tax Map and running South 47 deg. -32' East 830.01 feet to a hub; thence South 47 deg. -28' -20" East 86.03 feet to a nail in the center of Meadowmont Drive; thence South 65 deg. -41' West 66.4 feet along the center of Meadowmont Drive to a nail; thence South 40 deg. -28' East 215.7 feet to a hub in the ditch on the west side of Town Mountain Road; thence South 46 deg. -54' West 233.2 feet to a hub; thence South 32 deg. -25' West 100.0 feet to a hub; thence South 11 deg. -30' West 299.5 feet to a hub at the west edge of Town Mountain Road pavement and on the existing City Limits Line; thence with the existing City Limits Line North 89 deg. -43' West 283.65 feet to a hub; thence leaving said City Limits Line and running North 71 deg. -19' West 29.20 feet adjacent to and south of the City of Asheville's Patton Mountain Reservoir to a hub in the north margin of Patton Mountain Road; thence North 27 deg. -31' West 29.65 feet to a hub in the north margin of Patton Mountain Road; thence along the north side of Patton Mountain Road the following three courses and distances: North 16 deg. -19' East 78.7 feet to a hub, North 32 deg. -33' West 323.55 feet to a hub, North 73 deg. -35' 40" West 225.47 feet to an old hub; thence North 40 deg. -02' West 120.0 feet to a hub on the north side of Robert E. Bunnelle's driveway; thence the following courses and distances to hubs on the same side of Bunnelle's driveway: South 79 deg. -23' West 36.48 feet to a hub, North 57 deg. -23' West 112.64 feet to a hub, North 16 deg. -07' East 158.95 feet to a hub, North 43 deg. -02' East 81.39 feet to a hub, North 56 deg. -45' East 58.28 feet to a hub, North 69 deg. -57' East 111.6 feet to a stake, North 9 deg. -05' East 60.7 feet to an iron pipe, North 17 deg. -56' West 89.55 feet to a hub; thence leaving Bunnelle's driveway and running North 15 deg. -35' East 130.0 feet to a hub; thence North 38 deg. -35' East 255.98 feet to the point of BEGINNING. Containing 18.78 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of September, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 3 day of September, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that today is the date set for the public hearing on proposed amendments to the zoning ordinance, being property at the corner of Pearson Drive and West Chestnut, the Vaillancourt property on the Leicester Highway, and the property in the vicinity of West Chapel Road.

There being no objection, Councilman Morris introduced Ordinance No. 506, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Dr. Wayne S. Montgomery appeared before the Council and advised that the Kiwanis Club was interested in establishing a recreation area at Ira B. Jones Elementary School, plans calling for construction of areas for baseball, football, midget football and provision for rest room facilities, and that the Kiwanis Club would participate in the cost of such installation and in its operation. Dr. Montgomery also presented a memorandum from the Business Manager of the Asheville City Schools setting forth the requirements of the School Board for such an installation.

Mrs. Graham Price of 24 Hampstead Road asked if residents of the area would be given an opportunity to be heard on this matter, and said careful consideration should be given to the danger of children crossing Ottari Road.

The matter was discussed by the Council, following which Councilman Morgan moved that it be referred to the Recreation Board for study, with a request that a public hearing be held by the Board, and recommendations be made to the Council.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 10, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 10, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 503, being "AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, SECTION 693 (C) OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE SO AS TO REQUIRE BLUE EMERGENCY SIGNAL LIGHTS ON VEHICLES OF THE POLICE DEPARTMENT ONLY", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 503

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, SECTION 693 (C) OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE SO AS TO REQUIRE BLUE EMERGENCY SIGNAL LIGHTS ON VEHICLES OF THE POLICE DEPARTMENT ONLY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Chapter 6, Article 5, Section 693 (C) of Ordinance #298, known as The Code of the City of Asheville, is hereby amended to add the following words at the end thereof:

"Vehicles of the Asheville Police Department, and any private vehicles used by Police Department personnel and approved by the Department of Public Safety under this section, that are subject to emergency travel shall be equipped with blue emergency signal lights. No other privately owned emergency vehicle authorized under this section shall be permitted to equip and use said vehicle with blue emergency signal lights."

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in effect from and after fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of August, 1964.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 10 day of September, 1964, to become effective 25 day of September, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 504, being "AN ORDINANCE AMENDING ORDINANCE #310, ENTITLED 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY'" was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 504

AN ORDINANCE AMENDING ORDINANCE #310, ENTITLED "AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 8 of Ordinance #310 entitled "AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY", be and is hereby amended by adding the following paragraph at the end thereof:

10. It shall be unlawful for any person, firm or corporation to cause or permit the handling, transporting, or disposition of any substance or material which is likely to be scattered by the wind, or is susceptible to being wind-borne, without taking reasonable precautions or measures to minimize atmospheric pollution. It shall be unlawful for any person, firm or corporation to operate or maintain, or cause to be operated or maintained, any premise, business, industrial operation, open area, right of way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation, or any other enterprise, which involves any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking reasonable precautions or measures to minimize atmospheric pollution. No person, firm or corporation shall maintain or conduct, or cause to be maintained or conducted, any parking lot, or automobile and/or truck sales lot, or use any roadway unless such lot or roadway is maintained in such manner as to minimize atmospheric pollution. The Air Pollution Engineer shall cooperate with private and public agencies in the problem of controlling wind-borne pollutants.

Section 2. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of August, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 10 day of September, 1964, to become effective 25 day of September, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 506, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that petitions have been received for the paving on Arco Road Extension (between Governor's View Road and Hillside Road), Beaver Point Circle, Brooklyn Road (between West Chapel Road and Shiloh Road), Devonshire Place, Lee Street (from Broad Street north to Hillside Street), and Worley Place, and, in order to establish a lien on all abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Morgan introduced a resolution designating improvements under Article 9, Chapter 160 OF THE General Statutes for the paving on Arco Road Extension (between Governor's View Road and Hillside Road), Beaver Point Circle, Brooklyn Road (between West Chapel Road and Shiloh Road), Devonshire Place, Lee Street (from Broad Street north to Hillside Street), and Worley Place, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 356.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1964.

Mrs. Jane Severance of 295 Murdock Avenue appeared before the Council to request that Lennox Street, a one block street between Charlotte and Murdock Avenue, be made a two-way street, advising that the street was made one way a year ago on petition of property owners on the street, and presenting a petition signed by some hundred signatures on behalf of the two way request. Also speaking in this behalf were R. M. Hancock, Mrs. Mattie B. Bagwell, and Mrs. Henry R. Whigham.

The City Manager advised that the street was made one way because of traffic conditions, and that a petition had been received from the property owners on Lennox Street requesting that the one way status remain. The City Manager further advised that the Director of Public Safety would make a study of the problem, and make a recommendation to the Council within the next two weeks.

Mr. Graham Price of 24 Hampstead Road presented a petition opposing location of the playground at Jones School, and Mrs. Ralph R. Smith also spoke in opposition to the project.

They were advised that this matter has been referred to the Recreation Board, and that a public hearing will be held by that Board before any decision is made.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, September 17, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 17, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Hugh A. Sellers requesting the rezoning of Lot 3½, Sheet 20, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Gracelyn Community Club opposing the development of a recreation area at the Ira B. Jones Elementary School.

This was received as information by the Council, and a copy ordered sent to the Recreation Board.

Ordinance No. 506, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 506

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from Residential District to NEIGHBORHOOD TRADING AREA:

Lots 194, 194-1/2, 257 and 258, Sheet 9, Ward 3

(b) That the following described property be zoned RA-5 RESIDENTIAL DISTRICT:

Located in Hazel Ward, Buncombe County, North Carolina. BEGINNING at a stake in the eastern edge of the 100-foot wide Leicester Highway right of way 51.96 feet and bearing North 54 deg. - 13' East from a bolt in the pavement at the Southwest corner of Lot 8 1/4, Hazel Ward, Sheet 13 of Buncombe County Tax Map and running North 54 deg. -13' East 778.32 feet to a locust hub in the existing City Limits Line; thence, North 2 deg. -45' East 478.74 feet along the existing City Limits Line to a hub at the northeast corner of Lot 38 on said Buncombe County Tax Map; thence, South 54 deg. -20' West 962.31 feet to a stake in the said eastern edge of the Leicester Highway right of way; thence along the said eastern edge of Leicester Highway right of way South 18 deg. -16' West 250.70 feet and South 20 deg. -01' East 142.80 feet to the place of BEGINNING. Being all of Lots 8 1/4 and 38, excepting that area within the 100-foot wide Leicester Highway right of way, and containing 7.52 acres.

(c) That the following described property be zoned RA-5 RESIDENTIAL DISTRICT:

BEGINNING at a stake in Lot 221, Ward 7, Sheet 18 of Buncombe County Tax Map, said stake being 30 feet south of centerline of West Chapel Road and 94.3 feet on South 58 deg. 50' East bearing from a concrete marker (Corner No. 18 in the 1929 existing city limits line and runs thence South 2 deg. 43' West 274.2 feet to an iron pin in the southwest corner of said Lot 221; thence South 86 deg. 59' East 304 feet to an iron pin in the northeast corner of Lot 258, Ward 7, Sheet 18; thence South 11 deg. 25' West 344.3 feet along the east line of Lots 258, 257 and 256 to a stake, 30 feet south of centerline of Shiloh Road; thence running the following bearings and distances parallel to, and 30 feet south of centerline of existing Shiloh Road: South 80 deg. 35' West 90.5 feet, South 78 deg. 03' West 353.2 feet, South 88 deg. 59' West 190.3 feet; thence, South 75 deg. 20' West 66 feet to a stake 25' south of centerline of Shiloh Road; thence, South 54 deg. 54' West 63.9 feet; thence running the following bearings and distances parallel to, and 30 feet south of existing Shiloh Road: South 60 deg. 35' West 76.2 feet, South 67 deg. 18' West 230.9 feet, South 67 deg. 39' West 255.1 feet, South 63 deg. 13' West 227.2 feet, South 65 deg. 30' West 84.4 feet, South 67 deg. 06' West 310 feet, South 67 deg. 04' West 138.7 feet to a stake in the east line of Lot 15, Ward 7, Sheet 6; thence running along the east property line of Biltmore Forest as recorded in office of Register of Deeds of Buncombe County, N. C. Plat Book 2, Page 33; thence running along said east property line of Biltmore Forest the following bearings and distances: North 15 deg. 20' West 112.1 feet, North 16 deg. 06' West 236.95 feet, North 25 deg. 23' West 250 feet, North 30 deg. 07' West 46.98 feet to a concrete nail in west edge of Hendersonville Road paving; thence, running the following bearings and distances parallel to, and 30 feet south of centerline of existing West Chapel Road North 47 deg. 48' East 239.15 feet, North 48 deg. 00' East 695.2 feet, North 43 deg. 47' East 100 feet, North 34 deg. 15' East 85 feet, North 27 deg. 32' East 120 feet, North 48 deg. 38' East 50 feet, North 81 deg. 42' East 65 feet, North 89 deg. 30' East 196 feet, South 87 deg. 32' East 89 feet, South 78 deg. 59' East 85 feet, South 75 deg. 15' East 305 feet, South 72 deg. 14' East 130 feet, South 63 deg. 20' East 135 feet, South 66 deg. 59' East 90.15 feet to the point of BEGINNING. Containing 42.73 acres.

EXCEPTING from the above 320 feet from the centerline of US 25 (Hendersonville Road) as now located, which is known as NEIGHBORHOOD TRADING AREA.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of September, 1964.

Ralph D. Morris
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 17 day of September, 1964, to become effective 2 day of October, 19..

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that the Director of Public Works had recommended a new plan at the intersection of Lennox Street and Murdock, calling for changing the southern arm of the "Y" from its present one-way west-bound to one-way east'bound, thus giving access from Murdock to the alley behind the apartments, and that a curb will be built to keep traffic from the "Y" separated from the west-bound traffic on Lennox. The City Manager further advised that he concurred in this plan.

Mrs. Jane Severance and Mr. Robert R. Mull spoke in opposition to this plan.

Councilman Morgan introduced a resolution authorizing Mayor to execute lease with J. A. Miller and wife and Charles W. Miller and wife for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 357.
Copy of lease will be found attached to original resolution.

The City Manager advised that completing arrangements announced earlier this year an agreement had been negotiated under which the city will develop and operate a recreation facility at the power company's 320 acre lake near Skyland, under a 25 year charge-free lease to the lake and two tracts of lakeshore property. The City Manager further advised that contemplated uses include swimming, fishing, overnight camping and power boating, with small fees probably being charged for use of the facilities, and that planning will begin immediately under the direction of Mr. Ralph Vogenberger, Director of Land Management, and some of the facilities may be ready for use next spring.

Councilman Mulvaney then introduced a resolution authorizing and directing Mayor to execute lease with Carolina Power & Light Company for certain property in Limestone Township, Buncombe County for development as a recreational facility, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 358.
Copy of lease will be found attached to original resolution.

The City Manager presented the Audit Report of the City of Asheville for the fiscal year ending June 30, 1964.

The City Manager advised that today is the date set for the public hearing on the petition to close a public alley lying between Lots 2 and 152, Sheet 10, Ward 6 and deadending on Lots 1 and 187, Sheet 10, Ward 6, and that all property owners involved had concurred in the request.

There being no objection, Councilman Morris introduced a resolution authorizing abandonment and closing and disclaiming any public interest in alley lying between Lots 2 and 152, Sheet 10,Ward 6 and deadending on Lots 1 and 187, Sheet 10, Ward6, which was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 359.

Mrs. B. H. Davis of 60 Liberty Street in the Oakley section reported that the street is being used by trucks as a short cut, although it was posted against through truck traffic.

The City Manager advised that police action would be ordered to stop this practice.

F

The City Manager advised that a complaint had been received from Mrs. C. B. Stroupe of 160-62 Biltmore Avenue concerning damage alledgedly caused by the city cutting tree limbs, and this matter was referred to the Corporation Counsel.

The City Manager reported that Bee Tree Lake opened during the summer as a fishing lake took in some $3,000 in revenue, and that around 2,000 fish were caught.

The Mayor advised that a public hearing would be held on Friday morning at 11 o'clock in the Charles D. Owen High School by the State Highway Commission on the question of adding a fourth lane to U. S. 70 between Cudger's Bridge and Black Mountain, and urging members of the Council to attend and lend support.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 24, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 24, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Morgan introduced a resolution authorizing Mayor to execute lease to The Biltmore Company, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 360.
Copy of lease will be found attached to original resolution.

Councilman Mulvaney introduced a resolution appointing member to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 361.

The City Manager advised that today is the date set for the public hearing on the rezoning of certain property in the vicinity of Cherry Street, Montford Avenue and Hill Street which was erroneously included in the RA-M Residential District, Lot 4-1/2, Sheet 4, Ward 2, and property in the Town Mountain Road area.

There being no objection, Councilman Algary introduced Ordinance No. 507, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary, who is Chairman of the Citizens Advisory Committee, gave a report on the convention of the National Association of Housing and Redevelopment Officials.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 1, 1964 - 4:00 o'clock P. M.

In the absence of the Mayor and Vice-Mayor the Council chose Councilman Morgan to preside at the regular meeting of the City Council held on Thursday, October 1, 1964 at 4:00 o'clock P. M. Present: Councilmen T. B. Sumner, W. F. Algary, Ralph D. Morris, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Recreation Board recommending that the proposed development on the Ira B. Jones School property not be undertaken because the space is considered to be inadequate for this type of activity, and further recommending that the city acquire land now in North Asheville for the purpose of developing an adequate recreational facility.

The recommendation was accepted by the Council, and Councilman Sumner moved that the City Manager be authorized to investigate the possibility of securing suitable property in the area for this purpose, which motion was seconded by Councilman McRary and unanimously adopted.

A petition was received requesting the rezoning of an area in North Asheville bounded generally by Walnut Place, Mt. Vernon Circle, Larchmont Street and Horizon Hill.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Roger Grant, Jr. and B. H. Taylor requesting that certain property in the Chunn's Cove section be annexed to the city.

The City Manager advised that the next step would be securing a description of the property and preparation of a resolution setting the date for a public hearing on this request.

Councilman Sumner moved that such a resolution be prepared, which motion was seconded by Councilman Morris and unanimously adopted.

Ordinance No. 507, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"

The Reverend Milton Hollifield, representing the Swannanoa Community Council, appeared before the Council to complain about the low water pressure in Swannanoa, and trash in the water lines. Also speaking in this connection were Flay B. Wilkie and Clarence O. Kittelsen.

The City Manager advised that he believed the recent condition was due to reversing the flow in water mains due to line relocations in East Asheville, but requested each member of the delegation to leave their name and address in order that a house by house inspection might be made to try and locate the trouble.

Miss Fannie McCoy again spoke in opposition to fluoridating the water supply.

There being no further business, the meeting was upon motion adjourned.

PRESIDING OFFICER

CITY CLERK

Thursday, October 8, 1964 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, October 15, 1964 - 4:00 o'clock P. M.

The City Council of the City of Asheville met in Regular session at City Hall in the City of Asheville, at 4:00 o'clock p. m., on October 15, 1964.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary

Absent: Councilman Ralph D. Morris

Also present were City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of the plat of 'Kimberly Woods, Section 5'.

October 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission at its regular meeting on October 7, 1964, reviewed the attached plat entitled "Kimberly Woods, Section 5," prepared by Carter and Bearden, Engineers, and dated May 19, 1964. This plat meets the requirements of the Subdivision Regulations and conforms with the conditions stated by the Planning and Zoning Commission in its preliminary approval of said plat.

It is recommended that this plat be given your final approval.

Sincerely yours,

RDB:nr
Encl.

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

A letter was received from the Planning and Zoning Commission recommending the approval of the plat of 'An Amendment to Map of R. P. Booth Property'.

October 15, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "An Amendment to Map of R. P. Booth Property," prepared by Carter and Bearden, Engineers, shows the right-of-way and turn-around for Sunset Lane.

The Sunset Lane roadway and turn-around were inspected by the staff of the Planning and Zoning Commission and found to meet standards for acceptance as a public right-of-way.

The above described plat was reviewed at a regular meeting of the Asheville Planning and Zoning Commission on October 7, 1964, and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

RDB:nr
Encl.

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

A letter was received from the Planning and Zoning Commission recommending the approval of the plat of Springtime Subdivision.

October 15, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

Attached is a copy of Springtime Subdivision which was approved by the Asheville Planning and Zoning Commission at a regular meeting on October 7, 1964, contingent upon the dedication of a right-of-way by Sarah L. Robinson for that portion of the plat on her property. Since the Planning Board met, I have been advised that Sarah L. Robinson has drawn up a deed of right-of-way easement to the City of Asheville which is being held in escrow until financial arrangements are completed for the development of the Springtime Subdivision.

The dedication of this right-of-way easement appears to be satisfactory and meets the intent of the Asheville Planning and Zoning Commission. I recommend that this plat be approved.

Sincerely yours,

RDB:nr
Encl:

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

Councilman McRary moved that the above plats be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the property annexed by Ordinance #505 be zoned RA-9 Residential District.

October 15, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held October 7, 1964, the Commission reviewed a copy of City Ordinance No. 505 which annexes into the City Limits of Asheville, property to be conveyed to the State for the Governor's Mansion.

It was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 505 be zoned RA-9 Residential District.

Sincerely yours,

AR:nr

S/ Anthony Redmond
Anthony Redmond,
Secretary

Councilman Algary moved that this recommendation be accepted, said amendment to be considered at a time to coincide with other hearings on similar zoning requests, the City Clerk to set the date for said public hearing which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from James S. Sluder requesting the rezoning of Lot 65, Sheet 20, Ward .

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Mrs. Don R. Printz resigning as a member of the Asheville School Board.

Councilman Morgan moved that this resignation be accepted with regret, and that a letter of appreciation be written Mrs. Printz for her valuable services as a member of this Board, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 507, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 507

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot number, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-M RESIDENTIAL DISTRICT TO BUSINESS DISTRICT:

AREA: Lots 101, 102, 103, 284, 104, 104-1/2, and 285, Sheet 2, Ward 3, and Lots 62 and 63, Sheet 13, Ward 3

(b) That the following described property be rezoned from RA-6 Residential District to NEIGHBORHOOD TRADING

DISTRICT: Lot 4-1/2, Sheet 4, Ward 2

(c) That the following described property be rezoned from RA-6 Residential District to RA-9 RESIDENTIAL

BEGINNING at a point in the northeast corner of Lot 11, Ward 2, Sheet 17; thence proceeding in a northerly direction following the eastern boundary of the RA-M Residential District to a point formed by the centerline of Oak Park Street and the eastward projection of the northern boundary line of Lot 38, Ward 2, Sheet 17; thence along a straight line connecting this point with the northwestern corner of Lot 23, Ward 2, Sheet 17; thence in a southerly direction following the western boundary lines of Lots 23, 22-1/4, 22, 21, 20, 19, and 198-1/4 to a point at the southwestern corner of Lot 198-1/4, Ward 2, Sheet 17; thence in a westernly direction following the northern boundary of Lot 199, Ward 2, Sheet 17, to the western corner of said lot; thence in a southerly direction following the western boundaries of Lots 200 and 15-1/4 to the southwestern corner of Lot 15-1/4, Ward 2, Sheet 17; thence in an easterly direction along a line formed by the southern boundaries of Lots 15-1/4, 196, and 197, Sheet 17, Ward 2, and projected to its intersection with the eastern right-of-way line of Town Mountain Road; thence following the eastern right-of-way line of Town Mountain Road in a southerly direction to its intersection with the eastern right-of-way line of New College Street; thence to a point formed by the intersection of the eastern right-of-way line of Cameron Street and the western right-of-way line of Town Mountain Road; thence in a southwesterly direction following the northern right-of-way line of College Street to the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 24 day of September, 1964.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 15 day of October, 1964, to become effective 30 day of October, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution appointing member of Asheville School Board, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 362.

Councilman Algary pointed out that although members of the Asheville School Board are appointed by the Council this Board functions under state law, and the Council has no authority over the Board other than removal of members for cause.

Councilman Sumner introduced a resolution electing member of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 363.

The Council requested that a letter expressing sympathy for the death of Lindsey M. Cudger and acknowledging his services as a member of the Planning and Zoning Commission be forwarded the family.

A resolution eulogizing and commending the late Curtis Bynum for his services to the City of Asheville was signed by all members of the Council and unanimously adopted. Copy of resolution will be found in Resolution Book 4 at page 364.

RESOLUTION EULOGIZING AND COMMENDING THE LATE CURTIS BYNUM FOR HIS SERVICES TO THE CITY OF ASHEVILLE

WHEREAS, the Honorable Curtis Bynum, prior to his untimely death on October 13, 1964, had for many years performed very valuable and selfless services to the citizens of Asheville and Buncombe County as Secretary of the Buncombe County Sinking Fund Commission, and had provided unique and valuable counsel and guidance in the financial affairs of this area;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the official and heartfelt gratitude of the Council is hereby publicly expressed, and the everlasting gratitude of the Council to Mr. Bynum for his guidance, counsel, services and friendship is hereby acknowledged.

It is further ordered that a copy of this resolution be forwarded to the family of Curtis Bynum.

I move the adoption of the foregoing resolution.

Ralph D. Morris
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Theodore S. Sumner
COUNCILMAN

W. F. Algary
COUNCILMAN

Frank Mulvaney
COUNCILMAN

J. W. McRary
COUNCILMAN

Read, approved and adopted, this 15 day of October, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property located in Hazel Ward, Buncombe County, North Carolina, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 365.

Councilman Mulvaney introduced a resolution authorizing City Manager to advertise for public sale property on Riverside Drive, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 366.

The City Manager advised that in accordance with the provisions of the new Housing Code an ordinance has been prepared directing the Housing Officer and Building Inspector to demolish that house known as #22 Chiles Avenue owned by Dan F. Mosseller for failure to comply with the order of the Building Inspector in regard to improvements.

Councilman Algary introduced Ordinance #508, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS #22 CHILES AVENUE OWNED BY DAN F. MOSSELLER", which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Algary voted "aye"
Mayor Eller voted "aye"

The following resolution was introduced by Councilman Algary, read in full and considered:

RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR
LOW-RENT PUBLIC HOUSING

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the Public Housing Administration is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Public Housing Administration shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") is a public housing agency and is applying to the Public Housing Administration for a preliminary loan to cover the costs of surveys and planning in connection with the development of low-rent housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

1. There exists in the City of Asheville a need for such low-rent housing at rents within the means of low-income families;

2. The application of the Local Authority to the Public Housing Administration for a preliminary loan in an amount not to exceed $75,000.00 for surveys and planning in connection with low-rent housing projects of not to exceed approximately five hundred (500) dwelling units is hereby approved.

Councilman Algary moved that the foregoing resolution be adopted as introduced and read, which Motion was seconded by Councilman Morgan and upon roll call the "Ayes" and "Nays" were as follows:

AYES: NAYS: None

The Mayor thereupon declared said Resolution adopted.

Complete copy of said resolution will also be found in Resolution Book 4 at page 367.

Miss McCoy spoke against this proposal.

The City Manager presented the statement showing the budget position of the city for the period ending September 30, 1964.

The City Manager advised that the recent decision by the State Supreme Court,which ordered dismissal of a restraining order against the city in the matter of fluoriding the city water supply,required that time be given to fluoridation opponents to petition for a referendum. The City Manager further advised that under the City Charter an ordinance can be initiated by submission of a petition bearing the names of qualified voters constituting a fifteenth of 15% of the total vote cast for members of the Council in the last election, and that this election could be held at the same time as the May General Election and thus save the expense of a special election.

The City Manager recommended that the Corporation Counsel be requested to prepare such an ordinance, together with petitions requiring that the ordinance be submitted to a vote at the May General Election, and that in the meantime the city will take no action toward fluoridation.

Following a discussion, Councilman Sumner moved that the Corporation Counsel be so instructed, which motion was seconded by Councilman Algary and unanimously adopted.

Miss McCoy spoke in favor of holding such an election.

Mr. Clarence C. Kittelsen again appeared before the Council to complain about discoloration and trash in the water in the Swannanoa area, and requested a report on the city investigation of this matter.

The City Manager advised that a check had been made of the situation the day following the last complaint and that it showed sediment in the water only at the the coin laundry operated by Mr. Kittelson. The City Manager stated the difficulty was caused by reversing the flow in the mains, and that this condition will clear up.

Mr. Flay E. Wilkie also spoke in this connection and urged the installation of a filtering plant.

The City Manager advised such a plant would cost around a million and a half dollars and is not being planned at this time.

Mr. John Cheesborough, president of the Blue Bird Taxi Company and spokesman for taxicab operators, told the Council that the taxi companies are having a hard time with the present rate schedule, and asked that the initial fare be increased to 45 cents for the first one-half mile instead of mile with subsequent quarter miles remaining at 10 cents.

Councilman Algary discussed the rates in Raleigh, which are the same as in Asheville, and in Charlotte where it is 45 cents for the first half-mile and 10 cents for each additional half mile.

The City Manager stated that he had the survey report on the taxicab companies, and asked Mr. Cheesborough if the operators would like to have all city cab fare regulations repealed with the operators setting their own rates in open competition.

Mr. Cheesborough said he believed operators would prefer a regulation that they could live with, and asked that the Council not wait until a year had expired since the meters were installed before taking action on the requested increase.

The Council took the matter under advisement.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY CLERK

Thursday, October 22, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 22, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, C. B. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Louis Lipinsky resigning as a member of the Redevelopment Commission of the City of Asheville.

This resignation was accepted with regret by the Council, and the City Clerk directed to express to Mr. Lipinsky the appreciation of the Council for the valuable service he has rendered as a member of this Board.

A petition was received from the Tunnel Road Shopping Center of Asheville, Inc., requesting that the street or road designated as Mineral Springs Road, which extends south and west in a southerly and westerly direction from Tunnel Road to Beaucatcher Road, be closed and relocated in accordance with plat attached to the petition.

The City Manager advised that it would be necessary to prepare a description of the old and new locations of Mineral Springs Road, and to hold a hearing on the proposed closing and relocating, after due advertisement.

Councilman Morgan moved that a resolution setting the date for said public hearing be prepared, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from Alexander Investment Company, Robert H. Neill and Tunnel Road Shopping Center, Inc., requesting the rezoning of Lot 72, 29½, 56, 29, 29½, 29-3/4, and 31½, Haw Creek Ward, Sheet 34 to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Letters were received from the First District Dental Auxiliary and the Auxiliary to the Medical Society of Buncombe County offering their active support to circulate the petitions to submit the question of fluoridating the City of Ashaville water supply to a vote at the next General City Election in May, 1965.

A letter was received from Shelby E. Horton, Jr., attorney for the plaintiffs in the case of Stroupe, et al vs. Eller, et al, requesting that the 9,000 non-city resident purchasers of city water be made eligible to sign petitions and vote on the issue of fluoridating the water supply; and further that city resident non-purchasers of city water be disqualified to sign the petitions or vote on this issue.

A letter was received from S. Thomas Walton, attorney for Blue Ridge Recreation Corporation, advising that said corporation operated the Sky Lanes Bowling Center in West Asheville at 1477 Patton Avenue, and desired to install two billiard tables in said bowling center, and requesting that the billiard hall district be amended to allow such an installation.

This request was referred to the City Manager for investigation and report back to the Council

Mr. Dan F. Mosseller requested to be heard on Ordinance #508, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS #22 CHILES AVENUE OWNED BY DAN F. MOSSELLER".

Mr. Mosseller advised the Council that the house had been wrecked by vandals, that he had been unable to get police protection for the property, that he intends to have the house repaired and plans to live in it himself, and requested the Council to reconsider its action.

Following the discussion, Councilman McRary moved that action on Ordinance #508 be deferred for a period of ninety days in order to give Mr. Mosseller more time in which to repair the house, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Mulvaney introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page368.
Copy of contract will be found attached to original resolution.

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute quit-claim deed to M. F. Meredith to certain property described in Deed Book 443 at page 208.

The Corporation Counsel advised that the city has no interest in this property, and the deed is requested for the purpose of clearing a cloud upon the title because of tax foreclosure.

Following the discussion said resolution was upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 369.
Copy of deed will be found attached to original resolution.

Mrs. Nell Stroupe, president of the Pure Water Association, asked to be provided with copies of the petition calling for an election on the question of fluoridating the city water supply for circulation during the General Election of November 3rd. Mrs. Stroupe further requested that some 9,000 customers of city water in the county be allowed to vote in the election. Miss Fannie McCoy also spoke on this request.

She was advised that the petitions cannot be drawn up until an official copy of the Supreme Court decision has been received and studied, and that presumably county voters cannot participate in an election on a city ordinance.

In regard to the requested rate increase by the taxicab companies the City Manager suggested that the Corporation Counsel be instructed to prepare an ordinance allowing said increase, same to be considered two weeks from today at which time a public hearing will be had on the matter.

Councilman Morgan moved that the Corporation Counsel be so instructed, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

E E Eller
MAYOR

Margaret Sumner
CITY CLERK

Thursday, October 29, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 29, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Mulvaney introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 370.

The City Manager advised that an ordinance had been prepared creating a new Billiard Hall District, as previously requested.

Councilman Sumner introduced Ordinance No. 509, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", which was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Audit of the City of Asheville Board of Alcoholic Control for the period ending September 30, 1964.

The City Manager pointed out that signs erected within 200 feet of the Expressway right-of-way must have Council approval, and advised that the Cavalier Motor Court now being constructed on Hiawassee Street has requested a permit to erect two signs, one sign on the Court property facing Hiawassee, and the other sign on the Court itself.

Following a discussion, Councilman Mulvaney moved that both signs be approved, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman McRary called attention to the fact that under present plans for construction of the interchange for Interstate Routes 40 and 26 southwest of the city traffic on I-40 from the east could not conveniently leave the interchange to reach West Asheville, and that eastbound traffic from West Asheville would not be able to enter the interchange.

The City Manager was requested to confer with Highway officials concerning this matter.

Mrs. Nell Stroupe, president of the Buncombe County Branch of the Pure Water Association appeared before the Council and presented a petition calling for an election on the fluoridation issue, and asked the Corporation Counsel's opinion on the legality of the petition. Mr. Starnes advised that he did not believe the petition would be valid, and read from the City Charter the provisions setting up procedure for a referendum on a proposed ordinance.

Mrs. Stroupe objected that the petition and ordinance ordered by the Council at its last meeting would be signed only by supporters of fluoridation, and was joined in this objection by Miss Fannie McCoy. Councilman Sumner also joined in this objection. Mrs. Stroupe stated she wanted to circulate the petitions on Election Day, which is November 3rd.

The City Manager suggested that the previous motion of the Council instructing him to proceed to fluoridate the water be rescinded, and then procedure could be started in an orderly manner to get this question before the voters at the General Election in May.

Councilman McRary then moved that the motion that the Council instruct the City Manager to proceed immediately to fluoridate the water of the City of Asheville which was adopted on September 12, 1963 be rescinded, and this motion was seconded by Councilman Mulvaney and unanimously adopted.

Mrs. Stroupe was advised that it was not feasible to prepare the necessary ordinance and petition for circulation on November 3rd.

There being no further business, the meeting was upon motion adjourned.

E E Eller
MAYOR

Margaret Sumner
CITY CLERK

Thursday, November 5, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 5, 1964, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 72, 29-1/2, 56, 29, 29-1/4, 29-3/4, 31-1/4, 28, 68, 32-1/4, 69 and 66, Haw Creek Ward, Sheet 34 from RA-6 Residential District to Roadside Business Area.

November 4, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Perry Alexander:

It was moved, seconded, and unanimously passed that the Commission recommend that Mr. Perry Alexander's request be granted that Lots 72, 29-1/2, 56, 29, 29-1/4, 29-3/4 and 31-1/4, Haw Creek Ward, Sheet 34, be rezoned from RA-6 Residential District to Roadside Business Area. The Commission also recommends that Lots 28, 68, 32-1/4, 69 and 66, Haw Creek Ward, Sheet 34, be rezoned from RA-6 Residential District to Roadside Business Area. The inclusion of these lots would form a more logical business area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

ZONING ORDINANCE - RECOMMENDATIO
OF PLANNING AND ZONING COMMISSION
Sheet 20, Ward 6, James
Sluder

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 65, Sheet 20, Ward 6, from RA-6 Residential District to Commercial District.

November 4, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. James Sluder:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 65, Sheet 20, Ward 6, be rezoned from RA-6 Residential District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

The above recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission, and to give notice and publication of a public hearing on same.

A letter was received from Investment Properties of Asheville, Inc. requesting that the Council approve the site plan of the proposed Doctors' Park on Biltmore Avenue.

Following a discussion Councilman Morgan moved that the plan be approved, which motion was seconded by Councilman McRary and unanimously adopted.

The above request from Investment Properties of Asheville, Inc. also asked that the alley shown on the tax map of the proposed Doctors' Park be officially closed.

The City Manager advised that it would be necessary to prepare a description of the alley, and set a date for a public hearing on the proposed closing of same, and was requested to so proceed.

Ordinance No. 509, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager advised that today is the date set for consideration of the request of the taxicab operators for a rate increase.

Speaking in favor of the proposed increase were John Darrity, C. E. Worley of the American Cab Co., and Forrest Harty.

Speaking against the proposal was Mrs. Jeannette Thompson of 116 Murdock Avenue.

The matter was discussed by members of the Council, and it was pointed out that the ordinance takes three readings, and the Council may want to postpone final action before the third reading.

Following the discussion, Ordinance No. 510, being "AN ORDINANCE REPEALING ORDINANCE #490, AND ESTABLISHING A NEW TAXICAB RATE FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager was requested to discuss with White Transportation Company the schedules to the various hospitals.

Mr. John F. Shuford, attorney for G-K, Inc., requested the rezoning of certain property at the intersection of Louisiana Avenue and New Patton Avenue.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that in connection with the relocation of streets in the Civic Redevelopment Project north of the City-County Plaza it was necessary for ramp connections to be approved by the State Highway Commission, and it had been recommended that Wilbur Smith and Associates make a further study of the general traffic in this area and amend their Metropolitan Plan for traffic control. The City Manager asked that he be authorized to negotiate with Wilbur Smith and Associates to make this study.

Following a discussion, Councilman Sumner moved that the City Manager be so authorized, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager advised that due to the construction of Interstate 40 it is necessary to relocate a section of the existing transmission line of the Carolina Power & Light Company at Rhododendron Park.

Following a discussion, Councilman Algary introduced a resolution authorizing Mayor to execute Right-of-Way to Carolina Power & Light Company, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 371.
Copy of right-of-way will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

VICE-MAYOR
Frank Mulvaney

Thursday, November 12, 1964 - 4:00 o'clock P. M.

The City Council of the City of Asheville met in regular session in the City of Asheville at 4:00 o'clock p. m., on Thursday, November 12, 1964.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen F. M. Mulvaney, W. F. Algary, Ralph D. Morris, Theodore B. Sumner, Clarence E. Morgan

Absent: Councilman J. W. McRary

The minutes of the previous meeting were read and approved.

Ordinance No. 509, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 509

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 193. District, Description of. of Ordinance 298, known as The Code of the City of Asheville, as amended, be amended as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. V, as follows:

BILLIARD HALL DISTRICT NO. V

BEGINNING at a stake in the northern margin of the pavement on Haywood Road (now Patton Avenue) at Mildred B. White's (formerly W. Baird) southeast corner; runs thence with White's eastern line, North 22 deg. 30 min. West 437.5 feet to the center of Murphy Branch of the Southern Railroad; thence North 64 deg. 58 min. East 221.5 feet to a stake; thence North 63 deg. 39 min. East 26.8 feet to a stake in the western margin of a 20 foot alley (Gill Street); thence with said margin of said alley (Gill Street) South 22 deg. 20 min. East 400.5 feet to a stake in the northern edge of the pavement on Haywood Road (now Patton Avenue); thence with the said edge of said pavement, South 56 deg. 25 min. West 250 feet to the place of BEGINNING. Being the property described in Deed Book 869 at page 129 and shown as Lots Nos. 2 and 3A on tax map of Ward 5, Sheet 19.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 29 day of October, 1964.

T. B. Sumner
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 12 day of November, 1964, to become effective 27 day of November, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Sumner discussed the new taxicab rate and stated he did not want to make the rates here the highest they are in the state, and thought the companies should show that they are losing money before any further action is taken. Councilman Sumner then moved that the reading of Ordinance No. 510 be postponed until the Council has had time to look into the matter further. There was no second to the motion.

Mrs. Demaree Best suggested that there be a 65¢ minimum fare.

Speaking in opposition to the proposed ordinance were Mrs. Jeannette Thompson and Mrs. Algie Wright.

Speaking in favor of the ordinance were William Hennessee, John Darrity and C. E. Worley.

The City Manager stated if the new rate is granted the cab companies should give better service with uniformed drivers and better equipment.

Following the discussion, ORDINANCE NO. 510, being "AN ORDINANCE REPEALING ORDINANCE #490, AND ESTABLISHING A NEW TAXICAB RATE FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution providing for a public hearing on request to close an alley or street described on a plat recorded in Book 17 at page 55 in the office of the Register of Deeds for Buncombe County, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 372.

Councilman Sumner introduced and read a resolution commemorating the Fiftieth Anniversary of the organization of the Asheville Rotary Club, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 373.

Councilman Morris introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property located in Haw Creek Ward, Sheets 28 and 32, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 374.

Councilman Mulvaney introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 375.

Councilman Algary introduced the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF
A COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality") desire to enter into a Cooperation Agreement in connection with the development of low-rent housing units pursuant to the United States Housing Act of 1937, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE, NORTH CAROLINA that the Local Authority and the Municipality enter into a Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Cooperation Agreement being in substantially the following form.

COOPERATION AGREEMENT

This Agreement entered into this 12th day of November, 1964, by and between the Housing Authority of the City of Asheville (herein called the "Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality"), witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

(a) The term "Project" shall mean any low-rent housing hereafter developed as an entity by the Local Authority with financial assistance of the Public Housing Administration (herein called the "PHA"), excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the PHA, or its predecessor agencies, prior to the date of this Agreement.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

(c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and nondwelling utilities.

(d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

2. The Local Authority shall endeavor (a) to secure a contract or contracts with the PHA for loans and annual contributions covering one or more Projects comprising approximately 500 units of low-rent housing and (b) to develop and administer such Project or Projects, each of which shall be located within the corporate limits of the Municipality. The obligations of the parties hereto shall apply to each such Project.

3. (a) Under the constitution and statutes of the State of North Carolina, all Projects are exempt from all real and personal property taxes levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and in payment for the Public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten per cent (10%) of the Shelter Rent actually collected but in no event to exceed ten per cent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) No payment for any year shall be made to the Municipality in excess of the amount of the real property taxes which would have been paid to the Municipality for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Municipality agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each Project and within five years after the completion thereof, or such further period as may be approved by the PHA, and in addition to the number of unsafe or insanitary dwelling units which the Municipality is obligated to eliminate as a part of the low-rent housing project(s) heretofore undertaken by the Local Authority and identified as Project(s) No.(s) NC-7-2,3,4, there has been or will be elimination (as approved by the PHA) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area in which such Project is located, substantially equal in number to the number of newly constructed dwelling units provided by such Project; Provided, That, where more than one family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and Provided, further, That this Paragraph 4 shall not apply in the case of (i) any Project developed on the site of a Slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated by the clearance of the site of such Project shall not be counted as elimination for any other Project or any other low-rent housing project, or (ii) any Project located in a rural nonfarm area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low- rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;

(b) Vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Municipality may lawfully do so, (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the development and administration of such Project.

6. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority,

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave, and provide side-

walks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned).

7. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the Municipality in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

8. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to any Project covered by this Agreement.

9. So long as any contract between the Local Authority and the PHA for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the PHA in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the PHA. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the PHA, authorized by law to engage in the development or administration of low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the PHA, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the PHA.

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(SEAL)
ATTEST:

(Title) City Clerk

CITY OF ASHEVILLE, NORTH CAROLINA
(Corporate Name of Municipality)

By
(Title) Mayor

(SEAL)
ATTEST:

Secretary

HOUSING AUTHORITY OF THE
CITY OF ASHEVILLE
Corporate Name of Local Authority)

By
Chairman

Councilman Algary moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Mulvaney, and upon roll call the "Ayes" and "Nays" were as follows:

AYES	NAYS
Councilmen Mulvaney, Algary, Morris, Sumner, Morgan and Mayor Eller	None

The Chairman thereupon declared said motion carried and said resolution adopted.
Complete copy of resolution will also be found in Resolution Book 4, pages 376, 377, 378

The City Manager recalled that following the decision of the Council not to use the Ira B. Jones Elementary School playground as a recreation area, he had been instructed to find a more suitable location, and reported that the six acre Swain tract between Beaverdam Road and Kimberly Avenue, adjoining the Jones School and the Asbury Memorial Methodist Church, is available for the sum of $46,000.00. The City Manager advised that payment for this property could be made within the budget and will be defrayed from upcoming sales of other city owned property, and recommended that the purchase of this property be approved.

Councilman Morris moved that the City Manager be authorized to proceed with this purchase, which motion was seconded by Councilman Mulvaney. Councilman Algary suggested that the School Board and the County be requested to give assistance to this project. Following the discussion, the motion was unanimously adopted.

The City Manager presented the statement showing the budget position of the City for the period ending October 31, 1964.

Councilman Algary asked about progress on the new Golf Course, and was advised that there is a dispute over the ownership of a portion of this property, and that the city has filed a civil action in this connection.

There being no further business , the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 19, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 19, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from G. W. Metcalf requesting the rezoning of Lot 142, Sheet 17, Haw Creek Ward.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Guy Weaver, attorney for Mrs. Dell Pothier, requesting the rezoning of Lots 409, 410 and 411, Sheet 6, Ward 9.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Landon Roberts, attorney for East Coast Oil Company, offering to purchase 250 feet of frontage on Riverside Drive for the sum of $40.00 per front foot.

The City Manager advised that it will be necessary to prepare a metes and bounds description of this property and a resolution authorizing the same to be sold at public auction.

Councilman Mulvaney moved that such resolution be prepared, which motion was seconded by Councilman Morris and unanimously adopted.

Mayor Eller announced the resignation of F. Stuart Chapin as a member of the Housing Authority of the City of Asheville, and the appointment of Ivan W. Parkins to fill this vacancy.

The Council requested the City Clerk to write a letter of appreciation to Dr. Chapin for his services on this Board.

Councilman McRary discussed the proposed taxicab rates and stated he was in favor of a rate of 45¢ for the first half mile and 15¢ for each additional half mile, which would put the rates in line with those charged by other cities.

Councilman Sumner suggested that the ordinance be amended to provide a minimum fare for each person where one or more persons were riding in the same cab and going to different places. Councilman Sumner moved that action on the ordinance be postponed until next week in order for a further study to be made, and Councilman McRary seconded the motion. Upon a vote the motion was defeated, Councilman Sumner and McRary voting "aye", and Councilmen Morris, Algary, Mulvaney, Morgan and Mayor Eller voting "no".

Following the discussion Ordinance No. 510, being "AN ORDINANCE REPEALING ORDINANCE #490, AND ESTABLISHING A NEW TAXICAB RATE FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Morris voted "aye"
Councilman Mulvaney voted "aye"	Councilman Sumner voted "nay"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Mayor Eller voted "aye"	

ORDINANCE NO. 510

AN ORDINANCE REPEALING ORDINANCE #490, AND ESTABLISHING A NEW TAXICAB RATE FOR THE CITY OF ASHEVILLE

WHEREAS, Ordinance #485 relating to the operation of taxicabs in the City of Asheville was amended by Ordinance 490, which said amendment established a new schedule of rates under sub-section (a) of Section 4. Rates of Fares. of said Ordinance 485; and

WHEREAS, it is deemed in the best interest of the residents of the City of Asheville and the operators of the taxicab companies doing business in the City of Asheville to make a further amendment to the rate schedule;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance #490, being "AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING 'AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE', RELATING TO RATES OF FARES", be and the same is hereby repealed.

Section 2. That Sub-section (a) of Section 4. Rates of Fares. of Ordinance No. 485, being "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE", be and the same is hereby repealed, and the following sub-section be and is hereby enacted in lieu thereof:

(a) For the first half mile or fraction thereof - - - - - - - - - - - - - - - - - - - 45¢

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall take effect and be in effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 5 day of November, 1964.

C. E. Morgan
COUNCILMAN

SECONDED BY:

J. W. McRary
COUNCILMAN

Read, approved and adopted, this 19 day of November, 1964, to become effective 4 day of December, 1964.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution authorizing and directing the purchase of property for park and recreation purposes, and authorizing the execution of the necessary note and deed of trust to secure balance of purchase price, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 379.
Copy of deed of trust and note will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing and directing Mayor and City Clerk to execute on behalf of the city a lease with Wilburn Associates, Inc. for certain property near the Asheville Airport, which was upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 380.
Copy of lease will be found attached to original resolution.

Councilman Morris introduced a resolution providing for a public hearing on a petition of Tunnel Road Shopping Center of Asheville, Inc. to close a portion of Mineral Springs Road shown on City and County Tax Maps in Ward 8, Sheet 34, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 381.

The City Manager advised that today is the date set for the public hearing on the proposed annexation of certain property in Hazel Ward as requested by the owners.

There being no objection, Councilman Mulvaney introduced Ordinance No. 511, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Anthony Lord, spokesman for the Trustees of the City of Asheville Libraries, presented a request for $1,600,000 for new facilities. Mr. Lord was accompanied by members of the Board of Trustees and Librarian, and gave each member of the Council a brochure setting forth the plans in detail.

The Mayor stated that sometime ago the City Manager had been requested to make a study of present and anticipated needs of the city.

The City Manager presented a "package deal", including the library, civic arts center, coliseum-type auditorium, and a natural resources museum, and recommended that the Metropolitan Planning Board be requested to review this entire matter and report to the Council.

STATEMENT OF CITY MANAGER

"The Library Board is to be commended in presenting an estimate of the needs of this splendid facility in order to meet growing demands, and, as the Council considers this request, other needs in related facilities should be studied, such as the complete development of the Civic Arts Center and the financial responsibility that city government will have in this development.

The Civic Arts Center should be designed to meet the needs of all cultural requirements, including the performing arts and an art museum, and quasi public needs to include a center for the Appalachian Bridge Tournament. More recently interest has been expressed in establishing a numismatics center, and consideration should be

given to establishing a public facility for natural resources, including rocks and minerals. Consideration should also be given to providing a center for the great interest which is expressed in this area in the various crafts.

At the same time a review should be made of our convention facilities so as to provide a coliseum type structure for large meetings and events. Asheville, being the hub or service center for Western North Carolina, it is important that the leadership of Asheville plan for the accomplishment of all of these facilities in the immediate future.

As we consider the request of the Library Board for $1,600,000, a strong Citizens Committee should study the total needs so that financial planning can be considered in a single package approach. Many of the above suggested projects are eligible for federal, state and private funds. When such funds are applied to the total cost for the proposed improvements the cost to local government will be reduced greatly.

The Metropolitan Planning Board is the logical and official agency to assume the responsibility to make a study of community facilities and report back to the Council. This Board, of course, should utilize all interested groups, including the Citizens Advisory Committee that was so effective in recent Urban Renewal efforts."

Following a discussion, Councilman Algary moved that the Council look with favor on the library request, and request the City Manager to ask the Metropolitan Planning Board to review the outline of additional facilities as presented today and report their findings back to the Council as speedily as possible, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 26, 1964 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 3, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 3, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, F. M. Mulvaney, and City Manager Weldon Blair.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat of Cedar Knoll Subdivision provided satisfactory arrangements have been made for the installation of all utilities and improvements.

November 27, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

Attached is a plat of the Cedar Knoll Subdivision which was presented to the Asheville Planning and Zoning Commission on November 4, 1964. The Commission approved this plat subject to the showing of utility lines and easements meeting the approval of the City Engineer.

The attached plat of the Cedar Knoll Subdivision now includes information on utilities and easements required by the Planning Board for preliminary approval. The staff recommends that, upon the completion of satisfactory arrangements for the installation of all utilities and improvements, this plat receive final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:
cc: Mr. Anthony Redmond, Secretary.

The City Manager advised that a commitment had been received from the developer for the installation of the water and sewer lines.

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from J. T. Putney, Chief Pilot of the American Enka Corporation requesting a rate schedule for tie-down ramp space at the Asheville Airport.

This matter was referred to the City Manager to work out the details.

A letter bearing four signatures was received protesting the rezoning of Lot 65, Sheet 20, Ward 6, being the property of James Sluder.

Ordinance No. 511, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the zoning of the Governor's Mansion property, the request of Perry Alexander to rezone certain property on the Tunnel Road, and the request of James Sluder to rezone Lot 65, Sheet 20, Ward 6.

There being no objection, other than the letter previously read regarding Lot 65, Sheet 20, Ward 6, Ordinance No. 512, was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman **Algary** voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Algary recommended that before final approval is given the developers should be required to provide screen planting between the commercial development and the adjoining residences.

Councilman Algary introduced a resolution authorizing City Manager to advertise for public sale certain property on Riverside Drive, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 382.

The City Manager advised that a request for additional space at the Airport had been made by A & H Flying Service in order to accommodate the increase in traffic, said property to be leased under the same terms and conditions as contained in the present lease with A & H Flying Service.

Following a discussion, Councilman Sumner introduced a resolution authorizing Mayor to execute amendment to lease with A & H Flying Service, Inc. for additional property in connection with the Asheville Airport, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 383.
Copy of Amendment to Lease will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 10, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 10, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 511, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 511

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owner of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 19th day of November, 1964 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

Located in Hazel Ward, Sheets 17 and 19, Buncombe County Tax Maps.
BEGINNING at a stake in the east margin of Cedar Hill Road, said stake being located South 58 deg. -52' East 30 feet from an iron pin in the center of Cedar Hill Road, said iron pin being the west corner of tract of land conveyed by Alma Plemmons Crawford to Jack H. Davis, Earl J. Fowler and wife, Mary Jean Fowler, by deed dated November 15, 1961 and registered in the Office of the Register of Deeds for Buncombe County, North Carolina in Book 853 at page 533 and runs with the east margin of Cedar Hill Road 30 feet from the center of said road the following five (5) courses and distances: North 31 deg. -05' East 47.0 feet to a stake, North 23 deg. -00' East 179.85 feet to a stake, North 32 deg. -37' East 40.05 feet to a stake, North 77 deg. -51' East 33.75 feet to a stake, South 86 deg. -55' East 158.2 feet to a stake in the western line of the Deaverview Baptist Church property; thence with the western line of said Deaverview Baptist Church property South 5 deg. -45' West 371.72 feet to an iron pin; thence South 87 deg. -42' East 58.1 feet to an old hub; thence South 4 deg. -46' 03" West 1000 feet to a stake; thence continuing the same course 1153.83 feet to a stake in the existing City Limits Line; thence with the said City Limits Line the following two courses and distances: South 87 deg. - 17' West 26.63 feet to a stake, North 64 deg. -01' West 336.27 feet to a stake; thence leaving the said City Limits Line North 6 deg. -28' East 1088.43 feet to a stake; thence North 7h deg. -37' West 243.58 feet to a stake; thence North 4 deg. -30' East 421.65 feet to a stake; thence North 6 deg. -33' West 946.53 feet to an iron pin; thence North 58 deg. -52' West 132.28 feet to the point of BEGINNING. Containing 22.96 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 19 day of November, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 10 day of December, 1964, to become effective 25 day of December, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

ORDINANCE NO. 512 - AN [illegible]

In regard to the rezoning of Lot 65, Sheet 20, Ward 6, the City Manager advised that there is a thirty foot embankment separating the residential property from this proposed Commercial District, and further that if the tract consisted of more than three acres a land plan for development would have to be submitted to the Council.

Councilman Algary moved that Section (c) of Ordinance 512 be amended by adding a new paragraph at the end of said Section (c) as follows:

The developer of this property shall be required to provide and maintain evergreen screen planting on this property separating same from the adjoining residential property.

which motion was duly seconded and adopted by the Council.

Ordinance #512, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", as amended at this meeting, was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the property on Riverside on which an offer was made by Frank Ford was duly advertised and sold at public auction, and that Frank Ford became the last and highest bidder, that no upset bid had been received, and that Mr. Ford had requested the deed be made to Clara M. Ford.

Councilman Sumner then introduced a resolution directing Mayor to execute deed to Clara M. Ford, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution book 4 at page 284.
Copy of deed will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period ending November 30, 1964.

The City Manager presented the Audit of the city for the period ending September 30, 1964.

Mr. Herschel Harkins, attorney for White Transportation Company, appeared before the Council and presented a detailed break-down of routes, mileages and frequencies of White Transportation Company in the City of Asheville. Mr. Harkins also advised that a meeting had been held with the Planning Commission, and submitted a tentative plan for extending bus service into the Beverly Hills, Haw Creek and Oakley sections but stated that how and when this could go into operation had not been decided.

Mr. Harkins also discussed informally the financial position of White Transportation and answered questions from Councilman concerning the operation of the company.

Mr. Harkins also advised that the company is conferring with the Air Pollution Control Department on the practicality of a fume-reduction device, which has been under test for about a year; and that the company will put one or two buses repainted in two tones of green on the streets shortly and may repaint the entire fleet if public reaction warrants it.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 17, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 17, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, R. D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved, except concerning the amendment to Section (c) of Ordinance #512, Councilman Algary stating there had been no second to his motion.

Councilman Algary then moved that Section (c) of Ordinance 512 be amended by adding a new paragraph at the end of said Section (c) as follows:

The developer of this property shall be required to provide and maintain evergreen screen planting on this property, separating same from the adjoining residential property.

which motion was seconded by Councilman Morgan, and unanimously adopted.

A petition signed by a number of property owners on Shorewood Drive was presented requesting the rezoning of the area bounded by Shorewood Drive and Lakeshore Drive, known as Lakeshore Estates, from RA-8 Residential District to RA-9 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Section No. 1, Echo Hills Extension."

December 17, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Section No. 1, Echo Hills Extension," prepared by Ray Anders, Registered Surveyor, was received and approved by the Asheville Planning and Zoning Commission at its regular meeting on September 23, 1964.

It is recommended that this plat be given your final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director

RDB:nr

Encl.

Councilman Mulvaney moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Morris and unanimously adopted.

Ordinance No. 512, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", including the amendment adopted at this meeting, was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 512

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot number, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be zoned RA-9 RESIDENTIAL DISTRICT:

Located in Beaverdam Ward, Buncombe County, North Carolina, Ward 9, Sheet 5. BEGINNING at an iron pipe in the most southerly corner of Lot 35, Beaverdam Ward, Sheet 5, Buncombe County Tax Map and running South 47 deg. -32' East 83.41 feet to a hub; thence South 47 deg. -28' -20" East 86.03 feet to a nail in the center of Meadowmont Drive; thence South 55 deg. -41'West 66.4 feet along the center of Meadowmont Drive to a nail; thence South 40 deg. -28' East 215.7 feet to a hub in the ditch on the west side of Town Mountain Road; thence South 46 deg. -54' West 233.2 feet to a hub; thence South 32 deg. -25' West 100.0 feet to a hub; thence South 11 deg. -30' West 299.5 feet to a hub at the west edge of Town Mountain Road pavement and on the existing City Limits Line; thence with the existing City Limits Line North 79 deg. -43' West 283.65 feet to a hub; thence leaving said City Limits Line and running North 72 deg. -19' West 29.20 feet adjacent to and south of the City of Asheville's Patton Mountain Reservoir to a hub in the north margin of Patton Mountain Road; thence North 27 deg. -31' West 29.65 feet to a hub in the north margin of Patton Mountain Road; thence along the north side of Patton Mountain Road the following three courses and distances: North 16 deg. -19' East 75.7 feet to a hub, North 32 deg. -33' West 323.55 feet to a hub, North 73 deg. -35' 40" West 225.47 feet to an old hub; thence North 40 deg. -02' West 120.0 feet to a hub on the north side of Robert E. Bunnelle's driveway; thence the following courses and distances to hubs on the same side of Bunnelle's driveway: South 79 deg. -23' West 36.48 feet to a hub, North 57 deg. -23' West 112.64 feet to a hub, North 16 deg. -07' East 158.95 feet to a hub, North 43 deg. -02' East 81.39 feet to a hub, North 56 deg. -45' East 58.28 feet to a hub, North 69 deg. -57' East 111.6 feet to a stake, North 9 deg. -05' East 60.7 feet to an iron pipe, North 17 deg. -56' West 89.55 feet to a hub; thence leaving Bunnelle's driveway and running North 15 deg. -35' East 130.0 feet to a hub; thence North 38 deg. -35' East 255.98 feet to the point of BEGINNING. Containing 18.78 acres.

(b) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lots 72, 29-1/2, 56, 29, 29-1/4, 29-3/4, and 31-1/4, and Lots 28, 68, 32-1/4, 69 and 66, Haw Creek Ward, Sheet 34.

(c) That the following described property be rezoned from RA-6 Residential District to COMMERCIAL DISTRICT:

Lot 65, Sheet 20, Ward 6

The developer of this property shall be required to provide and maintain evergreen screen planting on this property, separating same from the adjoining residential property.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of December, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 17 day of December, 1964, to become effective 1 day of January 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that today is the date set for a public hearing on the proposed closing of an unopened alley beginning at Brooklet Street and running northwardly to the southern property line of Lot 51 as shown on Sheet 7 of Ward 4, Buncombe County Tax Map.

There being no objection, Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a public alley described on a plat recorded in Book 17 at page 55 in the office of the Register of Deeds for Buncombe County, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 385.

The City Manager advised that today is the date set for the public hearing on the proposed annexing of a section of Happy Valley Subdivision into the corporate limits of the City of Asheville.

Mr. Harry Burnett and Mr. Hoyt Johnson asked questions concerning the proposed annexation, but made no objection to same.

There being no objections, Councilman Morris introduced Ordinance #513, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 24, 1964 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, December 31, 1964 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 31, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Britt & Tilson Glass Co. and C. A. Young advising that in the rezoning of certain lots on Swannanoa River Road that Lot 126, Sheet 20, Ward 8, was omitted by clerical error from Ordinance No. 461, and requesting that this lot be included in this rezoning.

This matter was referred to the Corporation Counsel to correct the error.

A letter was received from Reed Hawkins requesting the rezoning of Lot 218, Sheet 11, Ward 5 from Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 513, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY, was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 386.

Councilman Mulvaney introduced a resolution appointing a Municipal Board of Elections for a period of two years, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 387.

Councilman Algary introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 388.

The City Manager advised that the State Highway Commission and the Asheville Redevelopment Commission have requested a relocation study in connection with the Crosstown Expressway and the Civic Redevelopment Project north of City-County Plaza, and the Central Asheville Association has requested a study of possible changed traffic patterns in the Church Street, Coxe Avenue, Aston Street and Commerce Street area, and a study of the feasibility of additional ramps to the Crosstown Expressway westbound at Rankin Avenue and eastbound at Flint Street, which studies will cost approximately $7,500.00.

Following a discussion, Councilman Algary moved that the City Manager be authorized to negotiate with Wilbur Smith & Associates to make the above studies, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Director of Public Safety advising that considerable difficulty has arisen due to the limitation of fifty square feet on signs erected in Neighborhood Trading Areas and Roadside Business Areas, and recommending that this limitation be increased to 150 square feet, the larger signs to be permitted only where the services advertised are provided on the property in question.

This request was referred to the Planning and Zoning Commission for study and report without prejudice.

The City Manager advised that today is the date set for the public hearing on the proposed closing of a portion of Mineral Springs Road and relocating said portion of said road.

There being no objection, Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Mineral Springs Road shown on City and County Tax Maps in Ward 8, Sheet 34; and relocating said portion of said Mineral Springs Road, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book 4 at page 389.

The City Manager stated that the efforts of the Governor's Residence Committee had provided a western residence for the Governor and suggested that free street level office space in the City Building be offered the State of North Carolina to supplement the residence. The City Manager advised that the suite offices at present occupied by the Asheville Chamber of Commerce will become vacant next spring when the Chamber moves into its new building, and these offices could be used for conferences and necessary administrative work while governors are in residence in Asheville.

Councilman Sumner moved that the City Manager be authorized to make this offer to the State of North Carolina, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 7, 1965 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, January 14, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 14, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Westwood".

January 14, 1965

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

The attached plat entitled "Westwood" prepared by S. W. Huddleston, Registered Surveyor, for R. L. Vaillancourt, and dated November 1, 1964, shows the subdivision of land adjacent to the New Leicester Highway.

The prelimiary plat of this subdivision was reviewed by this Commission at a regular meeting held January 6, 1965. It is recommended that this final plat be given your approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood,
Executive Director

RMY:nr
Encl:

Councilman McRary moved that this plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Leisure Village".

January 14, 1965

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

The attached plat entitled "Leisure Village" prepared by Carter and Bearden, Engineers, for U. S. Builders, Inc. and dated December 8, 1964, shows the subdivision of land in the Sayles Village area.

The preliminary plat of this subdivision was reviewed by this Commission at a regular meeting held January 6, 1965. It is recommended that this final plat be given your approval, subject to the recording of a sewer easement secured from the Southern Railway.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood,
Executive Director

RMY:nr
Encl:

Councilman Algary moved that the above plat be approved by the Council, subject to the recording of a sewer easement secured from the Southern Railway, in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from L. C. Young requesting the rezoning of Lot 6, Ward 1, Sheet 3.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Shelby E. Horton, Jr., attorney for George L. Cowan, requesting that 10[illegible] of Rose Street be closed.

This request was referred to the City Manager for study and report.

In regard to the rezoning of Lot 126, Sheet 20, Ward 8, heretofore requested, the Corporation Counsel advised that the omission of this lot was not a clerical error, and that it would be necessary to refer this matter

to the Planning and Zoning Commission for study and recommendation.

Mr. William Britt was present and spoke in behalf of the request.

Following the discussion, this matter was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending that Lots 409,, 410, and 411, Sheet 6, Ward 9, property of Mrs. Dell Pothier, remain as they are now zoned.

January 6, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney Guy Weaver (Mrs. Dell Pothier property):

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 409, 410, and 411, Sheet 6, Ward 9, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that the property on Shorewood Road and Lakeshore Drive remain as it is now zoned.

January 6, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Edwin Burge and other property owners on Shorewood Road and Lakeshore Drive:

It was moved, seconded, and unanimously passed that the Commission recommend that this property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

The above recommendations were received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that Lots 63-1/4, 70-1/4, 63, and the eastern portion of Lots 70-1/2, and 86, Sheet 17, Ward 6 be rezoned from RA-6 Residential District to Roadside Business Area.

January 6, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney John F. Shuford (G-K, Inc. property):

It was moved, seconded, and unanimously passed that theCommission recommend that Lots 63-1/4, 70-1/4, 63, and the eastern portion of Lots 70-1/2, and 86, Sheet 17, Ward 6, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that the property annexed by Ordinance No. 511 be zoned RA-6 Residential District.

January 6, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the property recently annexed into the City Limits from Hazel Ward:

It was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 511 and annexed into the City Limits of Asheville, effective December 25, 1964, be zoned RA-6 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that Lot 142, Sheet 17, Haw Creek Ward be rezoned from RA-6 Residential District to Roadside Business Area.

January 8, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. G. W. Metcalf:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 142, Sheet 17, Haw Creek Ward, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending the establishment of a RESTRICTED BUSINESS DISTRICT.

January 14, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

Enclosed ia a proposed amendment to the Asheville Zoning Ordinance. This proposal would establish a Restricted Business District which would, in the opinion of the Asheville Planning and Zoning Commission, help alleviate problems where commercial and residential developments adjoin. The proposed amendment was reviewed thoroughly by the Asheville Planning and Zoning Commission at its regular meeting on January 6, 1965 and was unanimously approved.

In reviewing this new zoning district proposal after the approval action by the Planning and Zoning Commission, the staff discovered an omission which should be corrected. Under Section D. covering Permitted Signs, no provision was made for signs identifying a group development. The staff recommends that the last sentence of D. 1- b. be stricken and the following inserted:

"The total area of all business signs for any business establishment shall not exceed 200 square feet in area, identifying such group development, shall be permitted."

It is recommended that the City Council approve this proposed amendment as soon as possible.

Sincerely yours,

S/ Robert D. Barbour,
Robert D. Barbour,
Planning Director

RDB:nr
Encl:

PROPOSED AMENDMENT TO ZONING ORDINANCE

RESTRICTED BUSINESS DISTRICT

A. Description and Purpose.

This district is intended primarily to serve the needs of the surrounding residential neighborhood, providing goods and services that are day-to-day needs, generally classed by merchants as "convenience goods and services." Businesses which might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land.

B. Permitted Uses.

In the Restricted Business District, a building or other structure may be erected, altered, arranged, designed, or used, and a lot or structure may be used for any of the following purposes and no other:

1. Any non-residential use permitted in the RA-M Residential District provided that all area and dimensional requirements of the RA-M Residential District are complied with and provided further that not less than one-fourth of the entire length of the boundary of the Restricted Business District coincides with the boundary of an RA-M Residential District.

2. The following retail trade and service stores occupying a gross floor area of not more than 2,000 square feet:

   a. Antique, book, camera and photo supplies, dairy products, delicatessen, floral, fruit, vegetable gift, novelty, hardware, hobby supply, jewelry, music, notions, shoe, sporting goods, stationery tobacco, toy and similar stores;

   b. Bakery Store: A bakery store in which the manufacture of bakery goods is permitted only as and subject to the limitations of an Accessory Use and is limited in quantity to goods retailed on the premises only;

   c. Candy, nut and confectionery store: a candy, nut and confectionery store in which potato chips are not manufactured and all other manufacturing is permitted only as and subject to the limitations of an Accessory Use and is limited in quantity to goods retailed on the premises only;

   d. Barber and beauty shops;

   e. Banks;

   f. Dental or medical offices or clinics;

   g. Collection and distribution station for laundry or dry cleaning;

   h. Gardener supplies store, handling packaged fertilizer and no other type of fertilizer;

   i. Shoe repair; Newsstand;

   j. Tailors and dressmaker shops;

   k. Self-service laundry;

3. Automobile gasoline filling station: An automobile gasoline filling station which complies with all of the following conditions: a) is contained in a structure limited in size to two single car service bays, plus rest rooms and office and/or supply storage space; b) is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires, batteries, seat belts, fan belts, water hose, and other similar accessories directly to motor vehicles; c) does not rent or sell motor vehicles, trailers, or general replacement parts; does not overhaul, tune up or repair motors or bodies; does not provide brake relining service, wheel alignment, upholstery work, auto glass work, painting, welding, tire recapping or auto dismantling; d) parks no vehicles, being serviced or stored for customers, on streets, alleys, public sidewalks or public park strips; e) is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic; f) has at least one street frontage with a minimum width of 120 feet, and a frontage on any other street of not less than 80 feet.

4. The following retail stores occupying a gross floor area of not more than 20,000 square feet:

   a. Food stores;
   b. Apparel and accessories stores;
   c. Limited price variety store;
   d. Department stores;
   e. Drug stores;

5. The following public and semi-public uses:

   a. Public schools and private or parochial elementary high schools having curricula approximately the same as ordinarily given by public schools.

   b. Libraries, community centers, public or private parks, playgrounds, museums, art galleries, artistic programs or events.

   c. Churches and other places of worship including Sunday School buildings, parish houses, rectories and other residences of clergy.

   d. Day nurseries and kindergartens with an outdoor play area equivalent to or at least 200 square feet per pupil.

C. Area Regulations

1. Minimum Required Front Yard. There shall be a minimum setback of 45 feet measured between the front line of the lot and the front building line.

2. Minimum Required Side Yard. On corner lots, a side yard of at least twenty (20) feet in width shall

be provided on the street side of all buildings. If parking is provided on the side yard, abutting the street, the side yard shall be increased to a minimum width of 45 feet. No side yard shall be required for buildings on interior lots.

3. Minimum Required Rear Yards. None required.

D. Signs.

1. The type of signs permitted shall include:

   a. Any sign permitted in the RA-M Residential District.

   b. Any business sign which directs attention to a business, commodity, service, or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed. The total area of all business signs on any one premise shall not exceed 200 square feet.

2. Signs specifically prohibited include any sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally, if at all.

E. Buffering.

Along any side or rear lot line abutting, or lying across the street from, property zoned for residential use, a greenbelt planting strip, not less than fifteen (15) feet in width, shall be required to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architecture, signs and activity on residential privacy and residential neighborhood character.

Where the side or rear lot lines abut property zoned for residential use, and where the nearest lot line of any lot in the residential zone, which has been developed for a permitted use, lies within one hundred and twenty (120) feet of the Restricted Business District, the required greenbelt shall be planted as follows:

1. One row of deciduous trees and/or evergreen trees spaced not more than twenty-five feet apart and located approximately in the center of the greenbelt. Deciduous trees shall have a minimum height of six (6) feet and evergreen trees shall have a minimum height of three (3) feet when planted.

2. Two rows of evergreen shrubs shall be planted on the side of the greenbelt facing the residentially zoned lots. These rows shall be no more than three (3) feet apart and the shrubs shall be planted in a staggered pattern (see illustration below) no more than six (6) feet apart. These shrubs shall be of a size and species that will grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to a height no less than twelve (12) feet.

3. An additional row of smaller deciduous and/or evergreen shrubs shall be planted in the greenbelt on the side adjoining the neighborhood trading area. These shrubs shall be spaced no more than two and one-half (2-1/2) feet apart and shall be of a size and species that will reach a height of two (2) feet or more after one full growing season and will eventually grow to a height of not less than five (5) feet.

Where the side or rear lot lines abut property zoned for residential use, and where the nearest lot line of any lot in the residential zone, which has been developed for a permitted use, lies not closer than one hundred and twenty feet (120') from the Restricted Business District, the required greenbelt shall be planted as follows:

Two (2) rows of white pine trees (Pinus Strobus) planted in a staggered pattern and located approximately in the center of the greenbelt. The two rows shall be no more than five (5) feet apart and the trees planted no more than ten (10) feet apart. The white pines used in this planting may be of seedling size, but must be healthy, top grade nursery grown plants, staked when planted and protected.

This greenbelt planting requirement may be modified in situations where a proposed alternate planting design exceeds the requirements of this Section or where adequate natural buffering exists, in the form of vegetation and/or terrain as determined by the Zoning Board of Adjustment.

Plants required in the greenbelt shall be carefully planted in accordance with good nursery practice and shall be maintained in good condition. Unhealthy or dead plants shall be promptly replaced. Failure to maintain the greenbelt in good condition shall constitute a violation of this Ordinance.

Plans for the greenbelt planting strip shall be presented to the Building Inspector along with an application for a Building Permit. The greenbelt shall be planted as required herein prior to the issuance of a Certificate of Occupancy as required in Section 12 of this Ordinance.

F. Offstreet Parking and Loading.

As required in Section 10-B of this Ordinance.

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property as requested by Chester Cogburn and Wesley Vrable.

January 6, 1965

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Max Cogburn, Attorney for Chester Cogburn and Wesley Vrable:

It was moved, seconded, and unanimously passed that the Commission recommend that the following described property be rezoned from Residential District to Restricted Business District:

Beginning at a point on the southern right-of-way line of Haywood Road (Sheet 24, Ward 5) at the intersection of the most westerly boundary line of Lot 1- 1/4, Sheet 24, Ward 5, and running south 413 feet, more or less, to the easternmost corner of Lot 1- 1/4; thence 240 feet, more or less, along the southern boundary of Lot 1-1/4 to the westernmost corner of Lot 63, Sheet 24, Ward 5; thence southerly along the western boundaries of Lots 63, 64, 65, and 66, Sheet 24, Ward 5, to a point; thence running southwesterly, parallel to and running with the northwestern boundaries of Lots 15, 14, 13, 12, 11, at a distance of 160 feet from said boundaries to a point in the center of Coney Creek; thence following said creek in a northwesterly direction to its intersection with the easternmost corner of Lot 1-3/4, Sheet 24, Ward 5; thence along the easternmost boundary of said lot to the southern right-of-way of Haywood Road; thence along the said right-of-way to the point of Beginning.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Mr. Wesley Vrable was present and answered questions, stating that the proposed restricted business category is acceptable to the owners, and advising that part of the shopping center area will be separated from residences by now undeveloped residential lots and the rest by a 30-foot screen-planted buffer strip, and that no part of the tract proposed for the shopping center lies outside the city limits.

[illegible]

A letter was received from the Planning and Zoning Commission recommending that Lots 197-3/4, 238-1/2, 238, 196-1/4, 139-1/4, 199, 200, 152, 153, 154, 155, and Lots 156 through 170, inclusive, Sheet 13, Ward 8, and Lots 156 through 170, inclusive, Sheet 13, Ward 8, and Lots 50-3/4, 49-1/2 and 49, Sheet 15, Ward 8 be rezoned from Residential District to Restricted Business District.

January 6, 1965

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the requests of Mr. W. P. Croom and Mrs. Bertha Shook Rymer on Arco Road:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 197-3/4, 238-1/2, 238, 196-1/4, 139-1/4, 199, 200, 152, 153, 154, 155 and Lots 156 through 170, inclusive, Sheet 13, Ward 8, and Lots 50-3/4, 49-1/2 and 49, Sheet 15, Ward 8, be rezoned from Residential District to Restricted Business District. Some additional lots have been added to the original requests to form a more logical boundary.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr

Councilman Algary moved that the Corporation Counsel be instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission and to give notice and publication of a public hearing on same to be held February 4, 1965.

[illegible]

A request was received from Mrs. Beatrice Hendrix that the alley between Burton Street and Buffalo Street be opened at the rear of her property.

This request was referred to the City Manager for investigation.

[illegible]

A letter was received from Mrs. C. G. Pickard resigning as a member of the Board of Directors of the Buncombe County Planning Council.

Councilman Morgan moved that this resignation be accepted, and that a letter be forwarded Mrs. Pickard thanking her for her work on this Board, which motion was seconded by Councilman McRary and unanimously adopted.

[illegible]

Ordinance No. 513, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 513

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 17th day of December, 1964 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

Located in Haw Creek Ward, Sheets 28 and 32, Buncombe County, North Carolina
BEGINNING at an iron pin at the northeast corner of Lot No. 2 of Block "B" Section 1 of "Happy Valley" as recorded in Plat Book 30, Page 98, Office of the Register of Deeds for Buncombe County, running with the east line of Lots No. 2, 3, 4 and 5 of Block "B" of said plat the following five courses and distances: South 3 deg. -45' West 139.9 feet to a stake, South 33 deg. -52' East 100 feet to a stake, South 27 deg. -28' East 125 feet to a stake, South 10 deg. -58' East 190 feet to a stake, South 4 deg. -18' East 149 feet to a stake in the north right of way line of Sleepy Hollow Drive; thence South 13 deg. -43' East 66.7 feet across Sleepy Hollow Drive to a stake; thence South 4 deg. -06' -22" East 215.92 feet to a stake in the southeast corner of Lot No. 1 as shown on Page 130 in Plat Book 33 registered in the Office of the Register of Deeds for Buncombe County; thence along the east line of Lots No. 2 and 3 as shown in said Plat Book 33, Page 130 the following two courses and distances: South 00 deg. -29' West 90 feet to a stake, South 3 deg. -30' East 90 feet to a stake; thence along the south line of Lot No. 3, Plat Book 33, Page 130, South 62 deg. -25' West 193.47 feet to a stake in the east right of way line of Alpine Way; thence across Alpine Way South 54 deg. -31' West 60 feet to a stake in the west right of way line of Alpine Way; thence along the south line of Lot No. 6, Plat Book 33, Page 130 South 79 deg. -38' West 220.9 feet to a stake in the southwest corner of said Lot; thence South 3 deg. -36' -52" West 363.22 feet to an iron pin in the existing City Limits Line; thence with the existing City Limits Line the following two courses and distances: North 81 deg. -58' East 83 feet to an iron pin and North 89 deg. -43' East 89.75 feet to an old hub; thence leaving the existing City Limits Line South 86 deg. -38' -27" East 346.75 feet to an iron pin; thence South 87 deg. -17' East 400.8 feet to a concrete monument; thence South6 deg. -29' East 217.8 feet to a stake in the west right of way line of Bell Road; thence across Bell Road South 74 deg. -23' East 66.2 feet to a stake in the east right of way line of Bell Road and the southwest corner of Lot No. 13 as shown on Page 83 of Plat Book 30 in the Office of the Register of Deeds of Buncombe County; thence the following nine courses and distances marked by stakes in the east right of way line of Bell Road: North 40 deg. -32' East 58.3 feet, North 44 deg. -29' East 85 feet, North 43 deg. -33' East 26.41 feet, North 30 deg. -40' -40" East 174.38 feet, North 19 deg. -01' East 9.98 feet, North 18 deg. -25' East 38 feet, North 24 deg. -05' East 131.95 feet, North 28 deg. -47' East 20 feet and North 4 deg. -18' East 76.90 feet; thence leaving Bell Road North 64 deg. -51' East 139.95 feet to a stake; thence North 57 deg. -06' East 232.3 feet to a hub in the south line of the Blue Ridge Parkway Property; thence along the Blue Ridge Parkway Property Line the following three courses and distances: North 62 deg. -28' West 638.8 feet to Concrete Monument No. 44; thence North 21 deg. -40' -25" West 861.2 feet to Concrete Monument No. 45; thence North 16 deg. -22' East 75.9 feet through a government monument to an iron pin; thence leaving the Blue Ridge Parkway Property Line North 86 deg. -37' -14" West 482.31 feet to the point of BEGINNING. Containing 31.0 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 17 day of December, 1964.

Ralph D. Morris
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 14 day of January, 1965, to become effective 29 day of January, 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution appointing member to the Boar d of Directors of the Buncombe

County Planning Council, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 390.

Resolution authorizing Mayor and City Clerk to execute quit-claim deed to Gordon C. Ray and wife, Eva B. Ray, for certain property in Limestone Township, Buncombe County, North Carolina, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 391.

Councilman Algary introduced a resolution directing Mayor and City Clerk to execute lease with Fred P. Pearlman and wife, Anne M. Pearlman, Louis B. Rifkin and wife, Ruth P. Rifkin, and Page Company, on Lots 22 and 23, Ward 4, Sheet 1, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 392.
Copy of lease will be found attached to original resolution.

The City Manager advised that in accordance with the lease with Carolina Power & Light Company lease agreements had been negotiated with several of the owners of property fronting on the lake owned by Carolina Power & Light Company at its steam generating plant, and Mr. Ralph Vogenberger, Director of Land Management, submitted a report for the development of this area.

Following a discussion, Councilman Mulvaney introduced a resolution authorizing City Manager to enter into lease agreements with owners of property fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 393.
Copies of leases will be found attached to original resolution.

The City Manager advised that salaries of policemen and firemen are below those of cities of comparable size in North Carolina, and recommended that pay increases be granted effective January 18th. The City Manager advised that the increased scale will cost the city$55,000 for the balance of this fiscal year and $110,000 for each full fiscal year thereafter, that the increase this year can be met half from presently available budget funds and half by drawing on available year-end surplus, and for the 1965-66 fiscal year and later the increas can be met from taxable property valuations with no increase in tax rate.

Councilman Sumner moved that the City Manager be instructed to put this plan into effect, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised the City property on Riverside on which an offer was made by East Coast Oil Company, was sold at public sale after due advertisement, at which sale the East Coast Oil Company withdrew its offer, and a bid of $5,000 was offered for the property by Jacob P. Demetris. The City Manager advised that this bid was below price previously received for property in this area, and recommended that the bid be rejected and the check of deposit be returned.

Councilman McRary moved that the recommendation of the City Manager be followed, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager presented a statement showing the budget position of the city for the period ending December 31, 1964, and a statement of Outstanding Bonds of the City of Asheville for the period ending December 31, 1964 as prepared by the Sinking Fund Commission.

The City Manager announced that members of the City Council were invited to attend a meeting on school consolidation sponsored by the League of Women Voters on Friday, January 15th, at the YWCA Building on Grove Street.

The Mayor announced that Mrs. Ralph Walls had resigned as a member of the Housing Authority of the City of Asheville, and that he was appointing Robert D. Barbour to fill this unexpired term.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, January 21, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 21, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, C. E. Morgan, T. B. Summer, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Herbert L. Hyde, attorney for Dan River Mills, advising that the restraining order in the case of Corry, et al vs. Dan River Mills had been dissolved and that Dan River Mills was authorized to dismantle the wooden overhead bridge across the Southern Railway back of Sayles Village, and that it was the present plan of Dan River Mills to begin dismantling this bridge on January 25, 1965.

The City Manager pointed out that the bridge was in existence at the time Dan River Mills elected to sell the houses in Sayles Village to individual property owners.

Councilman Summer stated the bridge was in existence at the time said company requested annexation to the city, and he thought the company had an obligation to the City of Asheville to continue said bridge.

Mr. Edison Hill, attorney for property owners in Sayles Village, presented a petition signed by several hundred persons requesting the Council to take such action as is necessary to keep the bridge in existence until such time as the city or Dan River Mills can build a new bridge.

Mr. William Corry and Mr. Joe Mongovis spoke in behalf of the petition, advising that at the time they purchased property from Dan River Mills no mention was made of the discontinuing of said bridge.

The City Manager stated the city had a responsibility to explore the situation and see that the bridge is continued in force or replaced, and that he would proceed with the officials of Dan River Mills and Southern Railway to try and reach a permanent solution to this problem.

A letter was received by Carl B. Hyatt, Jr., Director of Public Safety, advising that the additional period of time granted to Mr. Dan Mosseller to make repairs on the property at 22 Chiles Avenue has expired, that no Building Permit has been issued for repairs, and that no repairs have been made.

The Council requested the City Clerk to advise Mr. Mosseller that said ordinance will be presented for its second reading at the next meeting of the Council, January 28, 1965.

Councilman McRary advised that he had received many complaints that curb and center-line markings in the Patton Avenue Catcher Tunnel are too faint to be seen by drivers.

The City Manager stated that exhaust fumes and dust obliterate the painted markings rapidly, but that the State Highway Department is still trying to find a paint which will stand up under tunnel conditions.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 28, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 28, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, T. B. Summer, J. W. McRary, Ralph D. Morris, W. Algary, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from William E. Highsmith, President of Asheville-Biltmore College, expressing appreciation for the work done by the city in the construction of W. T. Weaver Boulevard and in the grading of the playfield behind the Physical Education Building.

A letter was received from Z. R. Sheppard, C. D. Franklin, Stroup Sheet Metal Works and Felkel Oil Co. requesting that the property located from the intersection of Old County Home Road to a stake near the City Limits on the New Leicester Highway be rezoned from Roadside Business to Industrial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from John F. Shuford, attorney for Malvern Finance and Sales Corporation, requesting the rezoning of the property bounded by the Southern Railway track on the east, Deaverview Road on the south and lands of G. M. Pelmet on the west, being Tax Lots 5, 6 and 7½, Sheet 19, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from J. M. Baley, Jr., attorney for Homer S. Robinson, requesting the rezoning of Lots 127, 128, 129, 130, 131, Sheet 20, Ward 8 from Residential to Industrial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

This being the date set for the consideration of Ordinance No. 508, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS #22 CHILES AVENUE OWNED BY DAN F. MOSSELLER", Councilman Summer stated he had inspected this property and thought it was in too good a condition to be torn down, and suggested that the said Ordinance be withdrawn, that the City Manager contact Mr. Mosseller and request him to clean up the property and put it in a safe and secure condition, that if Mr. Mosseller can't do this that the Health Department and Fire Department be asked to inspect the dwelling and issue orders requiring said property be put in a safe and secure condition. Councilman Summer put this suggestion in the form of a motion, which was seconded by Councilman Algary and unanimously adopted.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending December 31, 1964.

The City Manager reviewed the matter of the bridge connecting Sayles Village and the Oakley Community, advising that the property which the bridge spans is not within the corporate limits; that the court has ordered that the bridge be dismantled; that he approached Dan Manufacturing Company, Inc. with the suggestion that said company permit the city to step into their contract with the Southern Railway and assume responsibility for the bridge, with the understanding that the company would make a contribution of $10,000.00 toward the construction of a new bridge; that this proposal was considered and turned down; that the bridge was then barricaded and traffic discontinued; that he then made a proposal to Dan Manufacturing Company that they permit the bridge to remain until the end of the school year, or about June 10th, so that approximately eighty school children could continue to use the bridge as a footbridge; and that this proposal was considered and refused.

The City Manager advised that he then felt that he was dealing with a most uncooperative corporation, and reviewed the petition submitted by Dan Manufacturing Company at the time they requested that Sayles Village be taken into the city limits; that the petition contained a metes and bounds description of the property, and no mention was made of the bridge, but the bridge was shown on the map, and the implication was that the bridge was to be maintained as a public facility.

The City Manager requested authorization to start annexation proceedings to bring the bridge location into the city limits, so the city would have authority to have a bridge designed and end the problem of a divided community, and to start a civil action against Dan Manufacturing Company to recover the cost of the proposed bridge based on engineering estimates, because without the bridge tax values on properties in the area will be less each year.

Councilman McRary moved that the City Manager be authorized to proceed as planned, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager pointed out that next Thursday is the date set for the public hearing on the requested rezoning of certain property near Malvern Hills for a proposed shopping center, and suggested that the Council made an on-site inspection of the area at 2:30 before the regular meeting, weather conditions permitting.

Miss Fannie McCoy asked by what authority the city adds calgon, caustic soda and chlorine to the public water supply, and was advised that this was done by order of the State Board of Health.

The matter of property reappraisal was discussed, and the City Manager advised that this was done under a program set up by the Legislature, and that the Board of Tax Supervision had contracted for the work.

Councilman Summer stated he thought a local appraiser should consult with those doing the work before the value has actually been established.

The City Manager stated he would convey this point to the Board of Tax Supervision.

Councilman Summer inquired if the Council had any authority concerning contract for study of Community Facilities being considered by Metropolitan Planning Board and Western North Carolina Regional Planning Commission, and was ad-

vised that it does not, and that the Metropolitan Planning Board has requested bids to be made on this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 4, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 4, 1965, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, Ralph D. Morris, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that the area annexed by Ordinance No. 513, a portion of Happy Valley Subdivision, be zoned RA-10 Residential District.

February 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on property recently annexed into the City Limits in Haw Creek Ward:

It was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 513 (a portion of Happy Valley Subdivision) and annexed into the City Limits of Asheville, effective January 29, 1965, be zoned RA-10 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that Lot 218, Sheet 11, Ward 5, be rezoned from RA-6 Residential District to Business District.

February 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Reed Hawkins:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 218, Sheet 11, Ward 5 be rezoned from RA-6 Residential District to Business District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Morris moved that the Corporation Counsel be instructed to prepare an ordinance complying with the recommendations of the Planning and Zoning Commission and to give notice and publication of a public hearing on same, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from Fritchy's Auto Service, Marshall's Amoco and Monteath's Automotive Service, complaining costs for hauling abandoned cars, and advising that wrecking services are losing money on this, and requesting the city to provide a lot where such cars can be stored according to state statute requirements.

The City Manager was requested to make an investigation and report back to the Council.

In regard to the Mosseller property on Chiles Avenue, the City Manager reported that he had had a conference with Mr. Mosseller, who had agreed to permit the city to go on this property and put the outside in order to meet ordinance requirements and further to put shutters on the windows and doors, and to reimburse the city for carrying out this work.

The City Manager advised that today is the date set for a public hearing on the creation of a RESTRICTED BUSINESS DISTRICT, the zoning of the Cogburn and Vrable property near Malvern Hills in the Restricted Business District, the rezoning of the property of W. P. Croom and Bertha Shook Rymer in the Restricted Business District, rezoning the property of G. W. Metcalf, Governor's View Road, as Roadside Business, rezoning the property of G. K., Inc. at intersection of Louisiana and New Patton Avenueto Roadside Business, and zoning the property annexed by Ordinance #511 in Hazel Ward owned by Debruhl and others as RA-6 Residential.

Councilman Algary stated that the members of the Council had made an on-site inspection of the Cogburn and Vrable property, and that he recommended that the portion of the tract which lies outside the city limits, although not included in the proposed shopping center development, should be annexed, which would extend the city limits to School Road.

Mr. Vrable was present and agreed to this provision, and the Council directed procedure be started toward annexation of this area.

Mr. Joseph M. Bland, spokesman for the Malvern Hills Community Club, presented a petition containing certain provisions which the Club felt would minimize the effect of the shopping center on this community.

Mr. J. G. Roberts pointed that the property to be annexed contains a once-famous mineral spring, and asked that a small park be developed there. Mr. Vrable stated that the park would be developed and donated to the city.

Mr. Charles McGee asked questions concerning the landscaping, and this was explained by Mr. Ridgley Robinson, landscape architect.

Following the complete discussion, Ordinance No. 514, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING A RESTRICTED BUSINESS DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Councilman Algary introduced a resolution authorizing Sinking Fund Commission to contract for destruction of bonds and coupons which are paid or cancelled, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 394.

The City Manager reported that he has ordered engineering plans prepared for a new bridge across the Southern Railway between Sayles Village and Oakley, and that a description of the property to be annexed is being prepared.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

CITY CLERK

Thursday, February 11, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 11, 1965, at 4:00 o'clock P. M. with Mayor E. W. Miller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from R. L. Bailey requesting the rezoning of Lots 133, 134 and 135, Haw Creek Ward, Sheet No. 20.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Perry A. Dillingham, Jr. requesting the rezoning of certain property between Liberty Street and School Road in order that a trailer camp might be established.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 514, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING A RESTRICTED BUSINESS DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1965.

Members of the Seventh Grade General Music Classes of Mrs. Dorothy G. Peeke of David Millard Junior High School presented a tape recording of three songs in honor of Asheville composed and sung by the students.

Councilman Morgan expressed the appreciation of the Council for this fine program, and asked that this be made a part of the minutes.

Miss Fannie McCoy and Mrs. Nell Stroupe, president of the local chapter of the Pure Water Association, presented a letter advising that they have secured approximately 3,000 names of registered voters on petitions requesting the Council to call an election on the question of fluoridating the city water supply. They advised that these petitions had been filed with the City Board of Elections, and asked for an explanation as to why no action has been taken toward calling such an election.

The City Manager and Corporation Counsel advised that the Charter calls for presenting referendum petitions to the City Council, and not the Board of Elections; that the petitions must be accompanied by an ordinance to be enacted or rejected by the Council, and that if the petitioned ordinance is rejected by the Council, the Charter requires that an election be held.

The City Manager stated that petitions supporting fluoridation and accompanied by an ordinance are being circulated, and that it is the intention of the City to hold an election on this question at the May General Election if Charter requirements are complied with.

Councilman Algary brought up the matter of beautification of the Expressway as requested by the Council last fall, and was advised by the City Manager that such action probably won't be undertaken by the State Highway Commission until work on a new tunnel through Beaucatcher Mountain and on the Hanover Street interstate connector interchange has been completed.

Councilman McRary discussed the matter of legislation controlling billboards on highways, and asked that the Council go on record as favoring such legislation, and that other interested groups should express themselves on this matter.

Following a discussion, Councilman McRary moved that the Corporation Counsel be requested to prepare a resolution on this matter to be considered by the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman McRary asked if something could be done to improve the railroad crossing on Depot Street across from the Britt Warehouse, and the City Manager advised that this was a drainage problem, but that he would discuss the matter with the railroad authorities and see if a long range improvement could be worked out.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 18, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 18, 1965, at 4:00 o'clock P. M. with Mayor R. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, Ralph D. Morris, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from George M. Blackstock, Manager of The Asheville Bowling Center at 47-51 Merri-

er Avenue, requesting that this location be rezoned for a family type billiard room.

The City Manager advised that this request requires a new Billiard Hall District and would be an amendment to the present ordinance, and the Council referred the request to the City Manager for further study.

Ordinance #514, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING A RESTRICTED BUSINESS DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 514

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, BY ADDING A NEW SECTION CREATING A RESTRICTED BUSINESS DISTRICT, AND OTHERWISE AMENDING SAID ORDINANCE AS SET FORTH HEREIN

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That a new section, to be known as Section 7-A, RESTRICTED BUSINESS DISTRICT, is hereby created, the same to immediately follow Section 7 of Ordinance #322, with the following provisions applicable to said Restricted Business District:

SECTION 7-A

RESTRICTED BUSINESS DISTRICT

A. Description and Purpose.

This district is intended primarily to serve the needs of the surrounding residential neighborhood, providing goods and services that are day-to-day needs, generally classed by merchants as "convenience goods and services." Businesses which might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land.

B. Permitted Uses.

In the Restricted Business District, a building or other structure may be erected, altered, arranged, designed, or used, and a lot or structure may be used for any of the following purposes and no other:

1. Any non-residential use permitted in the RA-M Residential District, provided that all area and dimensional requirements of the RA-M Residential District are complied with, and provided further that not less than one-fourth of the entire length of the boundary of the Restricted Business District coincides with the boundary of an RA-M Residential District.

2. The following retail trade and service stores occupying a gross floor area of not more than 2,000 square feet:

a. Antique, book, camera and photo supplies, dairy products, delicatessen, floral, fruit, vegetable, gift, jewelry, hardware, hobby supply, jewelry, music, notions, shoe, sporting goods, stationery, tobacco, toy and similar stores;

b. Bakery Store: A bakery store in which the manufacture of bakery goods is permitted only as and subject to the limitations of an Accessory Use and is limited in quantity to goods retailed on the premises only;

c. Candy, nut and confectionery store: a candy, nut and confectionery store in which potato chips are not manufactured and all other manufacturing is permitted only as and subject to the limitations of an Accessory Use and is limited in quantity to goods retailed on the premises only;

d. Barber and beauty shops;

e. Banks;

f. Dental or medical offices or clinics;

g. Collection and distribution station for laundry or dry cleaning;

h. Gardener supplies store, handling packaged fertilizer and no other type of fertilizer;

i. Shoe repair; Newsstand;

j. Tailors and dressmaker shops;

k. Self-service laundry;

3. Automobile gasoline filling station: An automobile gasoline filling station which complies with all of

the following conditions: a) is contained in a structure limited in size to two single car service bays, plus rest rooms and office and/or supply storage space; b) is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires, batteries, seat belts, fan belts, water hose, and other similar accessories directly to motor vehicles; c) does not rent or sell motor vehicles, trailers, or general replacement parts; does not overhaul, tune up or repair motors or bodies; does not provide brake relining service, wheel alignment, upholstery work, auto glass work, painting, welding, tire recapping or auto dismantling; d) parks no vehicles, being serviced or stored for customers, on streets, alleys, public sidewalks or public park strips; e) is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic; f) has at least one street frontage with a minimum width of 120 feet, and a frontage on any other street of not less than 80 feet.

4. The following retail stores occupying a gross floor area of not more than 20,000 square feet:

a. Food stores;
b. Apparel and accessories stores;
c. Limited price variety store;
d. Department stores;
e. Drug stores;

5. The following public and semi-public uses:

a. Public schools and private or parochial elementary high schools having curricula approximately the same as ordinarily given in public schools.

b. Libraries, community centers, public or private parks, playgrounds, museums, art galleries, artistic programs or events.

c. Churches and other places of worship including Sunday School buildings, parish houses, rectories and other residences of clergy.

d. Day nurseries and kindergartens with an outdoor play area equivalent to at least 200 square feet per pupil.

C. Area Regulations

1. Minimum Required Front Yard. There shall be a minimum setback of 45 feet measured between the front line of the lot and the front building line.

2. Minimum Required Side Yard. On corner lots, a side yard of at least twenty (20) feet in width shall be provided on the street side of all buildings. If parking is provided on the side yard, abutting the street, the side yard shall be increased to a minimum width of 45 feet. No side yard shall be required for buildings on interior lots.

3. Minimum Required Rear Yards. None required.

D. Signs.

1. The type of signs permitted shall include:

a. Any sign permitted in the RA-M Residential District.
b. Any business sign which directs attention to a business, commodity, service, or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed. The total area of all business signs for any business establishment shall not exceed 200 square feet. In the case of a group development, a single sign not exceeding 200 square feet in area, identifying such group development, shall be permitted.

2. Signs specifically prohibited include any sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally, if at all.

E. Buffering.

Along any side or rear lot line abutting, or lying across the street from, property zoned for residential use, a greenbelt planting strip, not less than fifteen(15) feet in width, shall be required to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architecture, signs and activity on residential privacy and residential neighborhood character.

Where the side or rear lot lines abut property zoned for residential use, and where the nearest lot line of any lot in the residential zone, which has been developed for a permitted use, lies within one hundred and twenty (120) of the Restricted Business District, the required greenbelt shall be planted as follows:

1. One row of deciduous trees and/or evergreen trees spaced not more than twenty-five feet apart and located approximately in the center of the greenbelt. Deciduous trees shall have a minimum height of six (6) feet and evergreen trees shall have a minimum height of three (3) feet when planted.

2. Two rows of evergreen shrubs shall be planted on the side of the greenbelt facing the residentially zoned lots. These rows shall be no more than three (3) feet apart and the shrubs shall be planted in a staggered pattern (see illustration below) no more than six (6) feet apart. These shrubs shall be of a size and species that will grow to a height of five (5) feet or more after one (1) full growing season and will eventually grow to a height no less than twelve (12) feet.

3. An additional row of smaller deciduous and/or evergreen shrubs shall be planted in the greenbelt on the side adjoining the neighborhood trading area. These shrubs shall be spaced no more than two and one-half (2-1/2) feet apart and shall be of a size and species that will reach a height of two (2) feet or more after one full growing season and will eventually grow to a height of not less than five (5) feet.

Where the side or rear lot lines abut property zoned for residential use, and where the nearest lot line of any lot in the residential zone, which has been developed for a permitted use, lies not closer than one hundred and twenty feet (120') from the Restricted Business District, the required greenbelt shall be planted as follows:

Two (2) rows of white pine trees (Pinus Strobus) planted in a staggered pattern and located approximately in the center of the greenbelt. The two rows shall be no more than five (5) feet apart and the trees planted not more than ten (10) feet apart. The white pines used in this planting may be of seedling size, but must be healthy, No. 1 grade nursery grown plants, staked when planted and protected.

The greenbelt planting requirement may be modified in situations where a proposed alternate planting design exceeds the requirements of this Section or where adequate natural buffering exists , in the form of vegetation and/or terrain as determined by the Zoning Board of Adjustment.

Plants required in the greenbelt shall be carefully planted in accordance with good nursery practice and shall be maintained in good condition. Unhealthy or dead plants shall be promptly replaced. Failure to maintain the greenbelt in good condition shall constitute a violation of this Ordinance.

Plans for the greenbelt planting strip shall be presented to the Building Inspector along with an application for a Building Permit. The greenbelt shall be planted as required herein prior to the issuance of a Certificate of Occupancy as required in Section 12 of this Ordinance.

F. Offstreet Parking and Loading.

As required in Section 10-B of this Ordinance.

2. That the following described property be rezoned from Residential District to RESTRICTED BUSINESS DISTRICT:

Beginning at a point on the southern right-of-way line of Haywood Road (Sheet 24, Ward 5) at the intersection of the most westerly boundary line of Lot 1- 1/4, Sheet 24, Ward 5, and running south 413 feet, more or less, to the easternmost corner of Lot 1-1/4; thence 240 feet, more or less, along the southern boundary of Lot 1-1/4 to the westernmost corner of Lot 63, Sheet 24, Ward 5; thence southerly along the western boundaries of Lots 63, 64, 65 and 66, Sheet 24, Ward 5, to a point; thence running southwesterly, parallel to and running with the northwestern boundaries of Lots 15, 14, 13, 12, 11, at a distance of 160 feet from said boundaries to a point in the center of Coney Creek, thence following said creek in a northwesterly direction to its intersection with the easternmost corner of Lot 1-3/4, Sheet 24, Ward 5; thence along the easternmost boundary of said lot to the southern right-of-way of Haywood Road: thence along the said right-of-way to the point of Beginning.

(3) That the following described property be rezoned from Residential District to RESTRICTED BUSINESS DISTRICT:

Lots 197-3/4, 238-1/2, 238, 196-1/4, 139-1/4, 199, 200, 152, 153, 154, 155 and Lots 156 through 170, inclusive, Sheet 13, Ward 8, and Lots 50-3/4, 49-1/2, and 49, Sheet 15, Ward 8.

(4) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lot 142, Sheet 17, Haw Creek Ward, and Lots 63-1/4, 70-1/4, 63, and the eastern portion of Lots 70-1/2 and 86, Sheet 17, Ward 6.

(5) That the following described property be zoned RA-6 RESIDENTIAL DISTRICT:

Located in Hazel Ward, Sheets 17 and 19, Buncombe County Tax Maps.
BEGINNING at a stake in the east margin of Cedar Hill Road, said stake being located South 58 deg. -52' East 30 feet from an iron pin in the center of Cedar Hill Road, said iron pin being the west corner of tract of land conveyed by Lina Plemmons Crawford to Jack H. Davis, Earl J. Fowler and wife, Mary Jean Fowler, by deed dated November 15, 1961 and registered in the Office of the Register of Deeds for Buncombe County, North Carolina in Book 853 at page 533 and runs with the east margin of Cedar Hill Road 30 feet from the center of said road the following five (5) courses and distances: North 31 deg. -05' East 47.0 feet to a stake, North 23 deg. -00' East 179.85 feet to a stake, North 31 deg. -37' East 40.05 feet to a stake, North 77 deg. -51' East 33.75 feet to a stake, South 86 deg. -55' East 158.2 feet to a stake in the western line of the Deaverview Baptist Church property; thence with the western line of said Deaverview Baptist Church property South 5 deg. -45' West 371.72 feet to an iron pin; thence South 87 deg. -42' East 498.1 feet to an old hub; thence South 4 deg. -46' -03" West 1000 feet to a stake; thence continuing the same course 1253.83 feet to a stake in the existing City Limits Line; thence with the said City Limits Line the following two courses and distances: South 87 deg. -17' West 26.63 feet to a stake, North 64 deg. -01' West 336.27 feet to a stake; thence leaving the said City Limits Line North 6 deg. -28' East 1088.43 feet to a stake; thence North 76 deg. -37' West 243.58 feet to a stake; thence North 4 deg. -30' East 421.65 feet to a stake; thence North 6 deg. -33' West 246.53 feet to an iron pin; thence North 58 deg. -52' West 132.28 feet to the point of BEGINNING. Containing 22.96 acres.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 4 day of February, 1965.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 18 day of February, 1965, to become effective 5 day of March, 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION CONSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman McRary introduced a resolution favoring legislation proposed in the General Assembly for the con-

trol of billboards and signs on Interstate Highways, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 395.

Mrs. Sam H. Walker, president of the Buncombe County Medical Society Auxiliary, and speaking for the Den... Auxiliary also, presented petitions bearing some 3,529 signatures requesting the City Council to pass an ordinance ... fluoridating the water supply of the city of Asheville, or submit said proposed ordinance to the qualified voters o... the City of Asheville at an election as provided for in the City Charter. Mrs. Walker spoke briefly on the advanta... of fluoridation.

Mrs. Nell Stroupe, president of the local chapter of the Pure Water Association, which opposes fluoridat... submitted a petition bearing 3,000 signatures and calling for an election. Mrs. Stroupe and Miss Fannie McCoy spok... in opposition to fluoridation.

The City Manager explained the provisions of the City Charter in regard to a referendum on a proposed or... dinance, and advised that the petitions must be forwarded to the City Board of Elections for verification of signa... tures, which must be done within ten days.

Councilman Algary moved that the petitions be forwarded to the City Board of Elections for verification ... signatures and certificate of said Board as to whether or not said petition is signed by the requisite number of qu... lified voters, which motion was seconded by Councilman Morris and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CL...

Thursday, February 25, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 25, 1965, at 4:00 o'clock P. M. with Mayor E. ... Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, Ralph D. Morris, J. ... McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was read from the Municipal Board of Elections certifying that said Board had verified the names ... on the petitions accompanied by an ordinance regarding the fluoridating of the water supply of the city of Asheville, ... and that the total number of registered and qualified voters was sufficient according to Article 12 of the Charter of ... the City of Asheville.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

February 25, 1965

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

This is to advise that on Friday, February 19, 1965, certain petitions requesting the Asheville City Council to pass the ordinance set forth therein, or submit said proposed ordinance to the qualified voters of the City of Asheville at an election as provided for in the City Charter, were filed with the City Board of Elections.

The Board of Elections has checked and verified said petitions, and hereby certifies that said petitions are sufficient, according to Article 12 of the Charter of the City of Asheville, based upon the following facts as determined by this Board:

1. The total number of all votes cast for members of the City Council at the next preceding municipal elction was 103,940.

2. The total number of registered and qualified voters of the city required is fifteen per cent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election, or 2,407.

3. The total number of registered and qualified voters of the city verified is 2567, which is in excess of the number required by the Charter, and it was not necessary to verify all of said names.

Respectfully submitted,

S/ Edison Hill
Chairman, City Board of Elections

Eugene P. Coston
Secretary

Irwin Monk

Councilman Morgan then introduced a resolution submitting a proposed ordinance for the fluoridation ... the public water supply to qualified voters within the City of Asheville, which was, upon motion of Councilman ... seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 396.

A letter was then read from the Municipal Board of Elections advising that said Board had rejected the ... petitions forwarded to it not accompanied by a proposed ordinance, and that said petitions were returned to the City ... Council.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

February 23, 1965

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

In regard to the set of petitions forwarded to us and not accompanied by a proposed ordinance, the Board of Elections herewith returns said petitions to the City Council, same having been rejected by the Board of Elections as failing to comply with the City Charter for lack of an ordinance attached.

Yours very truly,

S/ Edison Hill
Edison Hill
Chairman

Enc.

The City Manager advised that today is the date set for a public hearing on the proposed zoning of Part of ... Happy Valley Subdivision and the property of Reed Hawkins.

There being no opposition, Ordinance No. 515, being "AN ORDINANCE AMENDING ORDINANCE #322, ENTITLED 'AN ORDI... NANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, ... by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that an investigation had been made of the proposed new Billiard Hall District ... Harrison Avenue, and an ordinance creating the district had been prepared.

Councilman Algary introduced Ordinance #516, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE ..., OF ORDINANCE ... 209, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", which was, upon motion of ... Councilman Algary, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the City of Asheville Board of Alcoholic Control had an accumulated surplus ... which are required to be expended for law enforcement, and, at the request of the City, had made $15,... available to the City of Asheville, which will be used for foot patrols in the downtown business district, two men patrolling the area on foot from 11 p. m. to 7 a. m. and keeping in touch with each other, squad cars and headquarters with walkie-talkies, which service will begin March 1st.

The City Manager advised that a request had been made by the Building Committee of the Asheville Art Museum for ... addition of 4,000 square feet to the Art Museum Building on Charlotte Street, so as to permit this group to properly display and exhibit art, pointing out that the city owns this building and operates it in connection with the city's recreation program, and advising that this proposed expansion would cost approximately $40,000.00.

The matter was discussed by Councilman Algary, who pointed out that facilities such as those requested will be available when the proposed Civic Arts Center is built in the Civic Redevelopment Project north of the City-County Plaza, which is estimated to be about 1968, and stating he thought this matter should be held in abeyance.

The Council filed the request.

The City Manager presented a report on the survey of the library system conducted at the request of the City ... and County, advising that the Board of Trustees of the Asheville Public Libraries is pleased with the thoroughness of the survey and gratified that the surveyors have endorsed the board's request and recommendation for new quarters adjacent to the present Pack Library location.

Mrs. Nell Stroupe, president of the Pure Water Association, requested that the petitions submitted by her be returned, pointing out that under the city charter opponents of fluoridation have ten days in which to amend their petition.

Councilman McRary moved that the petitions be returned to Mrs. Stroupe, which motion was seconded by Councilman Morgan and unanimously adopted, and the petitions were handed to Mrs. Stroupe.

Dr. Russell Norburn, Jr., spoke briefly in favor of fluoridation.

Miss Fannie McCoy spoke against putting calgon and caustic soda into the water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 4, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 4, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received William C. Morris, Jr., attorney for J. Baker McCallagh, requesting the rezoning of Lot 3-, Sheet 11, Ward 8 and Lot 130, Sheet 10, Ward 8.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received signed by Joe C. Harrison and others requesting the rezoning of certain lots in Ward 8, Sheet 14, bordering on Patton Avenue.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending that Lots 5, 5-1/4, 6-1/2, and 6-3/4, Sheet 24, Ward 7 remain as now zoned.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Perry A. Dillingham:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 5, 5-1/4, 6-1/2, and 6-3/4, Sheet 24, Ward 7, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that Lots 133, 134 and 135, Sheet 20, Ward 8 remain as now zoned.

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following

action was taken on the request of Mr. R. L. Bailey:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 133, 134, and 135, Sheet 20, Ward 8, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

This was received as information by the Council

)

A letter was received from the Planning and Zoning Commission recommending that the property located from the intersection of Old County Home Road to a stake near the City Limits on the New Leicester Highway remain a it is now zoned.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Z. R. Sheppard and others:

It was moved, seconded and unanimously passed that the Commission recommend that the property located "from the intersection of Old County Home Road to a stake near the City Limits on the New Leicester Highway remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council

A letter was received from the Planning and Zoning Commission recommending that Lots 5, 6 and 7-1/4, Sheet 19, Ward 6 remain as now zoned.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney John Shuford for the Malvern Finance and Sales Corporation:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 5, 6 and7-1/4, Sheet 19, Ward 6, remain as they are now zoned.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

The City Manager advised that Mr. John Shuford was unable to be present, but that Mr. Shuford would appreciate it if the above request could be referred back to the Planning and Zoning Commission for further study. The Council complied with the request.

A letter was received from the Planning and Zoning Commission recommending that Lots 127, 128, 129, 130, and 131, Sheet 20, Ward 8 be rezoned from RA-6 Residential District to Industrial District.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Homer S. Robinson:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 127, 128, 129, 130, and 131, Sheet 20, Ward 8, be rezoned from RA-6 Residential District to Industrial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

A letter was received from the Planning and Zoning Commission recommending that Lot 126, Ward 8, Sheet 20 be rezoned from RA-6 Residential District to Industrial District.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Britt and Tilson Glass Company, Inc. and Mr. C. A. Young:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 126, Ward 8, Sheet 20, be rezoned from RA-6 Residential District to Industrial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that the zoning ordinance be amended to provide for an eight foot setback in rear or side in Commercial, Business and Industrial Zones, and the elimination of numbers in Section 19, Definitions, to allow future items to be inserted alphabetically without adherence to a number system.

March 3, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on recommendations of the planning staff:

It was moved, seconded, and unanimously passed that the Commission recommend that the Asheville Zoning Ordinance be amended as follows:

A. Amend Paragraphs D-2-c., B-1, and B-2 of Section 6, 7, and 8, respectively, to read as follows:

Where a lot or plot abuts upon the side or rear of a lot zoned Residential, there shall be a side yard or rear yard of not less than eight (8) feet in width, open and unoccupied.

B. In Section 19, Definitions., strike all numbers preceding items to be defined and arrange items in their proper alphabetical order. Deletion of the number will allow all future items to be inserted alphabetically without adherence to a number system.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR:nr

Councilman McRary moved that the Corporation Counsel be instructed to prepare an ordinance complying with the above recommendations of the Planning and Zoning Commission, and to give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from the Metropolitan Planning Board in regard to the Library Request to the Asheville City Council for New Facilities endorsing the report of the Trustees and in particular their proposal to expand the Library on its present location.

This was received as information by the Council.

Mr. A. C. Carver, Jr., representing a number of property owners on Allen Street, and Mr. [illegible] spoke against the rezoning of property owned by Reed Hawkins on Allen Street, as provided in Ordinance 515.

The matter was discussed by the Council, and the City Manager was requested to secure a statement from the property owner that he will provide and maintain screen planting of fifteen feet between the [illegible].

Following the discussion Ordinance No. 515, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 516, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 29[illegible], KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Annual Report of the Fire Department for 1964.

Mrs. Sam H. Walker and Mrs. R. E. Robinson, representing the City Council of Parents and Teachers, spoke briefly in favor of fluoridation of the city water supply.

Mr. Hammond Strom, representing the Citizens Advisory Committee, and on behalf of the Redevelopment Commission, requested that the city's conformance with the North Carolina State Building Code be updated from 1958 to 1[illegible], with the National Electric Code from 1960 to 1962, and the National Board of Fire Underwriters Fire Prevention Code from 1956 to 1[illegible].

The City Manager advised that the updated codes can be written into the new loose-leaf city code now nearly ready for adoption by the City Council, and the Corporation Counsel was instructed to include these in the new code.

There being no further business, the meeting was upon motion adjourned.

Margaret [illegible]
CITY CLERK

Thursday, March 11, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 11, 1965, at 4:00 o'clock P. M. with Mayor R. E. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. W. McRary, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager reported that Mr. Reed Hawkins had been requested to sign an agreement providing for screen planting and maintenance as a condition precedent to the rezoning of his property, and that Mr. Hawkins had declined to sign said agreement.

Councilman Algary then moved that Ordinance No. 515 be amended by deleting sub-section (2), which provided for the rezoning of Lot 218, Sheet 11, Ward 5 from RA-6 Residential District to Business District, from said Ordinance, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 515, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE

"ORDER OF THE CITY OF ASHEVILLE", AS AMENDED', as amended at this meeting, was, upon motion of Councilman McRary, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote.

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 515

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned RA-10 RESIDENTIAL DISTRICT:

Located in Haw Creek Ward, Sheets 28 and 32, Buncombe County, North Carolina BEGINNING at an iron pin at the northeast corner of Lot No. 2 of Block "B" Section 1 of "Happy Valley" as recorded in Plat Book 30, page 98, Office of the Register of Deeds for Buncombe County, running with the east line of Lots No. 2, 3, 4 and 5 of Block "B" of said plat the following five courses and distances: South 3 deg. -45' West 139.9 feet to a stake, South 33 deg. -52' East 190 feet to a stake, South 10 deg. -58' East 125 feet to a stake, South 3 deg. -30' East 90 feet to a stake, South 4 deg. -06' -22" East 215.92 feet to a stake in the northeast corner of Lot No. 1 as shown on Page 130 in Plat Book 33 registered in the Office of the Register of Deeds for Buncombe County; thence along the east line of Lots No. 2 and 3 as shown in said Plat Book 33, Page 130 the following two courses and distances: South 00 deg. -29' West 90 feet to a stake, South 3 deg. -30' East 90 feet to a stake; thence along the south line of Lot No. 3, Plat Book 33, Page 130, South 62 deg. -25' West 193.47 feet to a stake in the east right of way line of Alpine Way; thence across Alpine Way South 54 deg. -31' West 60 feet to a stake in the west right of way line of Alpine Way; thence along the south line of Lot No. 6, Plat Book 33, Page 130, South 62 deg. -31' West 22.9 feet to a stake in the southwest corner of said Lot; thence South 3 deg. -30' -52" West 333.22 feet to an iron pin in the existing City Limits Line; thence with the existing City Limits Line the following two courses and distances: North 81 deg. -58' East 83 feet to an iron pin and North 89 deg. -43' East 89.75 feet to an old iron; thence leaving the existing City Limits Line South 86 deg. -38' -27" East 346.75 feet to an iron pin; thence North 7 deg. -17' East 400.8 feet to a concrete monument; thence South 6 deg. -29' East 217.8 feet to a stake in the west right of way line of Bell Road: thence across Bell Road South 74 deg. -23' East 66.2 feet to a stake in the east right of way line of Bell Road and the southwest corner of Lot No. 13 as shown on Page 83 of Plat Book 30 in the Office of the Register of Deeds of Buncombe County; thence the following nine courses and distances marked by stakes in the east right of way line of Bell Road: North 40 deg. -32' East 58.3 feet, North 44 deg. -25' East 65 feet, North 43 deg. -33' East 26.41 feet, North 30 deg. -40' -40" East 174.38 feet, North 19 deg. -01' East 90 feet, North 14 deg. -25' East 38 feet, North 24 deg. -05' East 131.95 feet, North 28 deg. -47' East 20 feet and North 57 deg. -41' East 232.3 feet to a hub in the south line of the Blue Ridge Parkway Property; thence along the Blue Ridge Parkway Property Line the following three courses and distances: North 62 deg. -28' West 838.8 feet to Concrete Monument No. 44; thence North 21 deg. -40' -25" West 861.2 feet to Concrete Monument No. 45; thence North 14 deg. -22' East 75.9 feet through a government monument to an iron pin; thence leaving the Blue Ridge Parkway Property Line North 70 deg. -37' -14" West 482.31 feet to the point of BEGINNING. Containing 31.0 acres.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as heretofore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 25 day of February, 1965.

J. W. McRary
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 11 day of March, 1965, to become effective 26 day of March, 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager asked if Mr. Hawkins decided to enter into an agreement within a reasonable time could the property be rezoned as requested, and was informed this could be done.

Ordinance No. 516, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 516

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 193. District, Description of, of Ordinance 298, known as the Code of the City of Asheville, as amended, be amended as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. VI

BILLIARD HALL DISTRICT NO. VI

Beginning at the northeast intersection of Elm Street and Merrimon Avenue in the City of Asheville, and running in an Easterly direction 147.94 feet; thence north 176.05 feet with the eastern line of Lots 154 and 2 to the northeast corner of Lot 26; and thence with the northern line of Lot 26 in a westerly direction 147 feet to the intersection of Merrimon Avenue; thence in a southerly direction 168.91 feet to the point of BEGINNING, including Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,

This claim was referred to the Corporation Counsel for investigation.

Miss Frank Goss spoke briefly in opposition to fluoridation, and Dr. Russell Norburn, Jr. spoke in favor thereof.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 18, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 18, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Frank M. Mulvaney, Theodore B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Dr. Logan T. Robertson advising that he had been unable to negotiate with a property owner to lower Brooklet Street to improve visibility, safety and help prevent traffic congestion, and requesting the City Council to take action on this matter.

The Council referred this matter to the City Manager for investigation and report.

The Adopting Ordinance, being "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing members of Asheville School Board, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 399.

Councilman Algary introduced a resolution endorsing the location of the staff and offices of the Appalachian Regional Commission in Asheville, North Carolina, as recommended by Governor Dan K. Moore, and explained that said resolution contained a comprehensive analysis of Asheville and the surrounding area.

Councilman Algary further advised that he understood the County Commissioners were passing a similar resolution, and that the Chamber of Commerce was extremely interested in this matter, and suggested that the Mayor, Chairman of the County Commissioners and President of the Chamber of Commerce make an appointment with the Governor and deliver this resolution to him personally.

Following the discussion, said resolution was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 400.

The City Manager called attention to an editorial in the morning paper regarding the problem of litterbugs, and stated he would like to endorse this editorial. The City Manager advised that Asheville is one of the few cities in the country which will collect any kind of trash, and that greater pride is needed by property owners in collecting their refuse for removal; the only way to compel owners to clean up their premises if it creates a health hazard.

The matter was discussed by the Council. Councilman Sumner suggested that the city might be divided into sections and prizes given to areas doing the best clean-up job, thus creating a competitive spirit. Councilman Algary and Councilman McRary urged that a crack-down be made on more serious offenders, especially drive-in restaurants.

The City Manager advised that the city would be glad to cooperate with the garden clubs or any other

organized group in this clean-up campaign.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 25, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 25, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Adopting Ordinance, being "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 29, each inclusive, is hereby adopted and enacted as the "Code of Ordinances, City of Asheville, North Carolina". Such Code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before November 12, 1964, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the 24 day of May, 1965, and all ordinances of a general and permanent nature enacted on or before November 12, 1964, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the 24 day of May, 1965, except as hereinafter provided. No resolution of the City, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code;

(2) Any ordinance promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness;

(3) Any contract or obligation assumed by the City;

(4) Any ordinance fixing the salary of any City officer or employee;

(5) Any right or franchise granted by the City;

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the City;

(7) Any appropriation ordinance;

(8) Any ordinance which, by its own terms, is effective only for a stated or limited time;

(9) Any ordinance providing for local improvements and assessing taxes therefor;

(10) Any ordinance prescribing license or privilege fees or taxes or relating in any manner to the licensing of businesses, trades, occupations and professions;

(11) Any ordinance dedicating or accepting any subdivision plat;

(12) Any ordinance prescribing zoning regulations;

(13) Any ordinance describing or extending the boundaries of the City;

(14) Any ordinance or resolution designating one-way streets, stop or yield right of way intersections, intersections at which traffic-control signals are to be installed, parking meter zones or spaces, areas or spaces in which the parking of vehicles is prohibited or limited, intersections at which the turning of vehicles is prohibited, restricted or regulated, or any other ordinance regulating traffic or the operation, stopping, parking or standing of vehicles on specific streets or portions thereof or in specific areas of the City;

(15) Any ordinance enacted after November 12, 1964.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided, therefor, the violation of any such provision of such Code shall be punishable by a fine of not exceeding fifty dollars ($50.00) or by imprisonment for not exceeding thirty (30) days, as provided in Section 1-5 of such Code.

Section 5. That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the Code of Ordinances of the City of Asheville, North Carolina shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 4 of this ordinance and Section 1-5 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by the Clerk to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Asheville to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. That this ordinance shall become effective on the 24 day of May, 1965.

PASSED AND APPROVED this 25 day of March, 1965.

E. W. Eller
Mayor

ATTEST:

Margaret Simmons
City Clerk

The City Manager advised that today is the date set for the public hearing on the rezoning of certain property on Swannanoa Road as requested by Homer S. Robinson, Britt and Tilson Glass Company, and C. A. Young, amending Area Regulations in Neighborhood Trading Area, Business District and Industrial District, and amending Section 19 Definitions by deleting numbers and arranging items in proper alphabetical order.

Mr. R. L. Bailey advised that he had requested similar zoning of his property on Swannanoa River Road, but had been turned down by the Planning and Zoning Commission, and that he wished to protest the exclusion of his property. He was advised to resubmit his request.

Following the discussion, Ordinance No. 517, being "AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Thomas Walton, attorney for Robert Tucker, presented a claim for damages for personal injuries in the amount of $10,000.00.

This claim was referred to the Corporation Counsel for investigation.

Miss Fannie McCoy protested against the use of calgon and caustic soda in the city water supply.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 1, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 1, 1965, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from R. L. Bailey requesting that Lots 133, 134 and 135, Haw Creek Ward, Sheet 2, be zoned Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 517, being "AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager presented the audit of the City of Asheville for the period ending December 31, 1964

The City Manager presented engineering plans for the bridge across the Southern Railway tracks between Kenilworth Village and Oakley, and advised that construction on this bridge will be scheduled as soon as engineering plans have been approved by Southern Railway officials, estimating that the cost will be approximately $36,000 which the city hopes to recover in a court action from Dan River Mills.

Mr. Harold H. Thoms appeared before the Council and advised that since the Southern Bell Telephone and Telegraph Company have been authorized by North Carolina Utilities Commission to render private line service and channel tariffs for television transmission use for Community Antenna Television Systems, and since they have indicated a desire to enter into a contract with him for such service in Asheville, he requested a city license to operate a CATV system in the City of Asheville.

The City Manager stated that word was being awaited on the outcome of a court case in Raleigh involving CATV, and further advised on the possibility that the city itself go into the CATV business that an engineering survey made by Spencer-Kennedy Laboratories, Inc. of Boston, Mass. indicates with 8,000 subscribers at a $5.00 monthly fee, the system would be paid for in four years and thereafter would show a $450,000 annual profit.

The matter was discussed by members of the Council, and Mr. Thoms was advised that no action would be taken on a permit until the Raleigh case is decided.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 8, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 8, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, Ralph D. Morris, F. M. Mulvaney, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from R. L. Coleman and Virginia L. Brasington requesting that Balsam Avenue be terminated at the southwest corner of Lot 80, Sheet 14, Ward 6, advising that this avenue has never been opened and does not appears on the tax map.

The City Manager was requested to make an investigation on this and report back to the Council.

A letter was received from the Planning and Zoning Commission recommending that Lot 6, Ward 1, Sheet 3, remain as now zoned and that Lots 7, 7-1/2, and 8, Ward 1, Sheet 3, and that portion of Lot 2, Ward 2, Sheet 19, North of the Expressway, be rezoned from Commercial District to RA-6 Residential District.

April 7, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. L. C. Young:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 6, Ward 1, Sheet 3, remain as it is now zoned and that Lots 7, 7-1/2, and 8, Ward 1, Sheet 3, and that portion of Lot 2, Ward 2, Sheet 19, north of the expressway, be rezoned from Commercial District to RA-6 Residential District. It is the Commission's feeling that this small Commercial area was improperly zoned and should be corrected.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that the portion of Lot 36, Sheet 11, Ward 8 now zoned RA-6 Residential District be rezoned to Roadside Business Area.

April 7, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney William Morris, Jr. (for J. Baker McCullah, c/o Holiday Inn):

It was moved, seconded, and unanimously passed that the Commission recommend that that portion of Lot 36, Sheet 11, Ward 8, now zoned RA-6 Residential District, be rezoned to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

Councilman McRary moved that the Corporation Counsel be instructed to prepare an ordinance complying with the above recommendations of the Planning and Zoning Commission and to give notice and publication of a public hearing on same, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that Lots 103, 104, 105, 106, 107, 125, 126, and 128, Sheet 14, Ward 6, remain as now zoned.

April 7, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition of Mr. and Mrs. Joe C. Harrison and others:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 103, 104, 105, 106, 107, 125, 126, and 128, Sheet 14, Ward 6, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

Ordinance No. 517, being "AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 517

AN ORDINANCE AMENDING ORDINANCE 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. ..., and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following property be rezoned from RA-6 Residential District to INDUSTRIAL DISTRICT:

Lots 126, 127, 128, 129, 130, and 131, Sheet 20, Ward 8

(2) That Paragraphs D. Area Regulations. 2C., B. Area Regulations. 1. and B. Area and Residential Uses. 2. of Section 6, NEIGHBORHOOD TRADING AREA, Section 7. BUSINESS DISTRICT, and Section 8. INDUSTRIAL DISTRICT, respectively, be amended to read as follows:

Where a lot or plot abuts upon the side or rear of a lot zoned Residential, there shall be a side yard or rear yard of not less than eight (8) feet in width, open and unoccupied.

(3) That Section 19. DEFINITIONS be amended by striking all numbers preceding items to be defined and arranging items in their proper alphabetical order, in order to allow all future items to be inserted alphabetically without adherence to a number system.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance , this 25 day of March, 1965.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 8 day of April, 1965, to become effective 23 day of April, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Algary introduced a resolution expressing recognition by the City Council that there is great need for housing for low and moderate income earners, and offering the City's cooperation to interested parties organizing a corporation to build such housing under Federal Housing Administration regulations, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 403.

The City Manager presented a statement showing the budget position of the city for the period ending March 31, 1965.

Councilman Algary discussed the junk car situation, and proposed that the city-owned seven acre tract on Riverside Drive be fenced and used to store junked cars, which would be hauled there by the city, and if owner wanted to get car back or retrieve parts from it, he would pay a $5.00 fee and $1.00 a month storage; and that the car be kept for six months, or for an additional six months upon request of the owner, before final disposition of same.

Councilman Sumner objected to using the Riverside property for junk storage because it is too valuable, and also should be in sight of the upcoming Weaverville Bypass.

The City Manager advised that this matter was not only a local problem but was national in scope, and that the government was also working on a solution; that an abandoned car is still private property and has to be held 90 days and then advertised for sale before it can be legally disposed of; that he thought local auto-wrecking firms should be encouraged to form a corporation to lease the Riverside tract from the city at a nominal sum for storage rather than for the city to enter the junking business; and that the city has been approached by owners of property within 15 miles of the city who have deep ravines they would donate free for junk car dumpings in order to fill up the ravines.

Councilman Morris suggested that the city employ an inspector full time to run down the ownership of abandoned cars.

Councilman McRary suggested that the city buy a compressing unit and bale such junk cars, and was advised that a local firm now has such a machine but that there is no profit in the sale of such bales.

Following the discussion, Councilman Algary moved that the City Manager be authorized to work out a practical method for moving abandoned cars from city streets and vacant lots, which motion was seconded by Councilman Morris and unanimously adopted.

Councilman Sumner brought up the matter of the one-way traffic pattern on Lenox Court, but no action was taken on

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 15, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 15, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager presented a report from the Municipal Board of Elections showing the result of the Primary Election held on April 13, 1965.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

April 14, 1965

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, April 13, 1965, there was held in the City of Asheville the Primary Election for seven offices of Councilmen of the City of Asheville for the Democratic party; and

WHEREAS, certificates of result of said Primary Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on April 14, 1965; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for said Primary Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Primary Election for seven offices of Councilmen of the City of Asheville, together with sworn statement tabulating such returns.

Yours very truly,

S/ Edison Hill
Chairman

S/ Eugene P. Coston
Secretary

S/ Irwin Monk

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY HELD APRIL 13, 1965, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Primary Election for city officials for the Democratic party held on April 13, 1965 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said Primary Election for city officials held in the City of Asheville on April 13, 1965 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Primary Election for the Democratic party, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each office, and the totals of such numbers:

DEMOCRATIC PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9
William F. Algary	340	429	421	463	454	436	347	129	201
Robert P. Crouch	348	422	415	466	433	446	358	132	207
Robert J. Dailey	316	452	223	171	210	160	146	107	39
Earl W. Eller	383	445	425	501	462	436	362	126	197
J. W. McRary	368	422	417	452	425	438	352	124	196
Frank M. Mulvaney	382	420	422	449	416	415	354	124	197
Clarence E. Morgan	378	417	432	477	448	439	365	135	201
Charlie E. Smith	58	172	145	168	156	166	128	64	67
Theodore B. Sumner	343	391	376	421	398	405	327	126	185

For Councilmen	10	11	12	13	14	15	16	17	TOTAL
William F. Algary	550	507	463	287	208	458	325	264	6252
Robert P. Crouch	520	486	456	305	203	456	320	251	6224
Robert J. Dailey	559	437	22	35	104	97	61	97	3239
Earl W. Eller	567	517	459	293	214	463	314	274	6436
J. W. McRary	549	485	456	300	213	454	321	256	6222
Frank M. Mulvaney	555	508	460	301	215	462	323	260	6263
Clarence E. Morgan	566	511	459	293	212	471	318	263	6328
Charlie E. Smith	148	96	51	53	65	151	104	108	1897
Theodore B. Sumner	430	435	441	275	181	421	289	249	5693

Dated this 14th day of April, 1965.

S/ Edison Hill

S/ Eugene Coston

S/ Irwin Monk
Members of the Municipal
Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me this 14th day of April, 1965.

My commission expires:
Jan. 6, 1966
(Seal)

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men received the highest number of votes cast and received the majority of the votes cast in the Democratic Primary held on said April 13, 1965 for the office of the City Council, and they are therefore declared to be the seven members of said party nominated by said party at said election, and they are hereby declared to be the nominees of the Democratic party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 11, 1965 as their party's candidates for such offices:

William F. Algary
Robert P. Crouch
Earl W. Eller
J. W. McRary
Frank M. Mulvaney
Clarence E. Morgan
Theodore B. Sumner

(b) That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 4. That a certified copy of this resolution, with the tabulation set forth in said Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Irwin Monk seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Eugene Coston, Irwin Monk and Edison Hill, and those voting against said resolution being None.

We, members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY HELD APRIL 13, 1965, AND DECLARING THE RESULT THEREOF", which was duly adopted on April 14, 1965 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 4, beginning at page 27 and ending at page 28, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 14 day of April, 1965.

S/ Edison Hill

S/ Eugene P. Coston

S/ Irwin Monk
Members of the Municipal Board of
Elections of the City of Asheville

The City Manager explained that due to utility rights-of-way on certain property heretofore leased by the city for an off-street parking facility at Rankin Avenue and Hiawassee Street, the owners of the property have requested that certain lots be deleted from said lease and a lot recently acquired by substituted therefor, the other terms and conditions of said lease to remain the same.

Following a discussion, Councilman Algary introduced a resolution authorizing and directing the Mayor to execute an amendment to lease with J. A. Miller and wife and Charles W. Miller and wife for property on Rankin Avenue for Municipal Parking Lot, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 404.
Copy of Amendment to Lease will be found attached to original resolution.

The City Manager recalled that in accordance with the lease with Carolina Power & Light Company property owners have the privilege of leasing lake frontage, and that agreements have now been negotiated with several additional property owners.

Following a discussion Councilman Morgan introduced a resolution authorizing City Manager to enter into lease agreements with owners of property fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 405.
Copies of lease will be found attached to original resolution.

The City Manager presented the Annual Report of the Police Department for the year 1964.

The City Manager advised that at the invitation of the Council State Highway Commission officials were present to discuss the traffic pattern as it will be developed in connection with the construction of the Interchange of I-26 and I-40 and other matters resulting therefrom, and introduced W. F. Babcock, Director of Highways; Cameron W. Lee, chief state highway engineer; Ray McGowan, chief projects engineer; J. O. Buchanan, State Highway Commissioner; F. L. Hutchison, District Engineer; and W. M. Corkill, former District Engineer. Members of the County Board of Commissioners and representatives of the Asheville Chamber of Commerce also attended the meeting.

During the discussion plans were announced for a new million dollar bridge across the French Broad River to be started in 1966. The Council was advised that plans for a new tunnel and connector have been approved by the Highway Commission, but the projects have not yet been designed and no dates have been set for construction start.

Councilman Algary proposed construction of a dam across Hominy Creek to form a scenic lake at the interchange of I-40 and I-26, and was advised that this would depend on how much money Congress appropriates for highway beautification.

The Council was also advised that a new bridge across the French Broad River to replace the present Pearson Bridge will be built, but no construction date has been set.

The Mayor thanked the officials for presenting this information to the Council.

Mr. Mortimer I. Kahn, Jr., Vice-President of the Broad River Processing Co., Inc. appeared before the Council requesting that the Council waive the requirement of a city ordinance stating that no electrical wiring can be done within the city limits except by electricians holding city certification, due to necessity of completing the installation of a large textile finishing range within a ten day time limit, and advising that Asheville electricians are unfamiliar with this equipment and the work can be done by a Greenville contractor without delay and for a lower price.

Following a discussion, Councilman McRary moved that the requirement be waived and the work be allowed to proceed, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 22, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 22, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that the city is now ready to advertise for bids for construction of the Oakley Fire Station and Murphy Teenage Center with space for a branch library, but if the space is not wanted by the Library Board it will be developed for community use.

Councilman Morris then introduced resolution authorizing City Manager to advertise for bids for construction work for the Oakley Fire Station and Murphy Teenage Center, located at the corner of Fairview Road and Liberty Streets - Oakley, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 406.

The City Manager presented a report of the first 13 days of operation this year of Bee Tree Fishing Lake showing the city realized an income of $1,315.20 from the sale of 1,025 fishing permits and boat and motor rentals.

Mary Kay Frank, Duncan Sinclair and Stephen Aldridge, members of the Asheville Youth Orchestra thanked the Council for the city's support of the orchestra through the Parks and Recreation Department, and invited the Council to attend a concert to be given by the group Sunday at the Thomas Wolfe Playhouse.

Councilman Morris discussed the matter of bus service, stating that the present bus service in the Grove Park area is undependable, and that he thought the City Council should put pressure on White Transportation Company to provide proper service in annexed areas, in addition to better service throughout the city.

Councilman Sumner stated White Transportation Company had promised a year ago to extend the routes and be in a reasonable time to provide the service.

Councilman Algary stated he thought the City Manager and City Attorney should explore the city's responsibility in providing public transportation.

The City Manager stated that dependable service within the corporate limits would help merchants in the central business district and relieve traffic congestion, and he thought White Transportation Company should be invited to appear and furnish a schedule for dependable bus service to cover entire corporate limits, or advise why this cannot be done.

Following the discussion, Councilman Morris moved that the City Manager be instructed to contact White Transportation Company and request them to furnish all the information necessary for full and reliable service to all areas in the corporate limits and advise whether or not they are able to provide such service, which motion was seconded by Councilman Sumner.

Councilman Algary offered an amendment to the motion that the City Manager and Corporation Counsel explore the city's responsibility in providing public transportation, which amendment was accepted by Councilman Morris and Councilman Sumner, and the motion, as amended, was unanimously adopted.

Mr. Eugene Ochsenreiter, Chairman of the Air Pollution Control Committee, advised the Council that the Committee has been conferring for a year with the bus company in an effort to get fume-reduction devices on the diesel buses, and the company has agreed to install the devices at the rate of one a month on the fleet of 40 buses, but he did not know if any had been installed.

Councilman McRary asked about the Council's recommendation that a permanent loose-leaf system be installed and was advised that this request has been forwarded to the County Commissioners and the County Board of Elections.

Councilman Algary advised that in the Lakeview section certain selective timber cutting has been in progress, which has left many limbs and clippings scattered about and these constitute a fire hazard, and asked that the Fire Chief make an inspection.

The City Manager advised that the Fire Chief can order these limbs and clippings removed if he determines a fire hazard exists, and that such an inspection will be made as soon as possible.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 29, 1965 - [illegible] P. M.

The City Council met in regular session Thursday, April 29, 1965, at [illegible] o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr

The minutes of the previous meeting were read and approved.

Councilman Algary introduced a rdsolution authorizing Mayor to request the Housing and Home Finance Agency to certify the city's Workable Program for Community Improvement under the Federal Housing Act of 1954, which was upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 407.

The City Manager advised that today is the date set for a public hearing on the requested rezoning of property at or near the intersection of Town Mountain Road and the Crosstown Expressway and part of the Holiday Inn property.

Councilman Morgan introduced Ordinance No. 518, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was seconded by Councilman Sumner.

Colonel E. P. Gaines appeared before the Council to protest the rezoning of his property near the Expressway stating such rezoning would lower property values.

Following a discussion said Ordinance was unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

Colonel Gaines then requested that the Charter requirement that the ordinance be read on three separate days be dispensed with and the ordinance be passed on its second and third readings immediately, which request was denied by the Council.

Mr. Jim Crawford, on behalf of himself and 41 property owners in the Von Ruck Terrace area, presented a petition setting forth that on January 2, 1963 the Planning and Zoning Commission recommended that Council approve a residential land development plan for Maple Cove, said approval to be withheld until enactment of a zoning amendment requiring that plans for all land developments of three acres or more must be approved by City Council; that this recommendation was received by the Council at its meeting on January 3, 1963 and action was deferred on approval of this plat plan until after consideration of the proposed amendment; that the amendment was subsequently adopted by the Council, but no action was taken either to approve or disapprove said plat plan.

The petition further alleged that certain structures now being erected on the property do not meet the requirement of 6,000 square feet per dwelling unit in an RA-6 Residential Zone, and request was made that this matter be referred back to the Planning and Zoning Commission for a public hearing, and that no further building permits be issued pending determination of this matter.

Councilman McRary moved that the request be granted, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Councilman Sumner brought up the matter of a bill now pending before the General Assembly which would permit the retirement of future bond issues through a bank as trustee rather than the Sinking Fund Commission, stating that the Commission is already set up to do this job and a trustee would cost money.

The City Manager advised that the Sinking Fund Commission was set up in the 1930's to manage liquidation of the defaulted indebtedness of Asheville and Buncombe County of that period; that the Local Government Commission and the New York bond attorneys for the Metropolitan Sewerage District feel that this substantial bond issue could be sold at a more favorable interest rate if it is handled through a corporate trustee with no relation to any default, and have strongly recommended this type of trusteeship.

The City Manager further advised that the Metropolitan Sewerage District received bids in this matter, and awarded the trusteeship to Wachovia Bank and Trust Company on a fee schedule.

Councilman Algary pointed out that the Airport Bonds and Water Bonds are being handled through the Sinking Fund Commission.

Councilman Sumner requested that the Council go on record as favoring the Sinking Fund Commission to handle all bond issues, but no action was taken.

The City Manager was requested to get the facts on the fee schedule and report back to the Council.

Councilman Algary requested information on the nature of transportation franchises, and Councilman Sumner asked for an investigation of the legality of the 1942 City Council action which transferred the bus franchise from Carolina Power and Light Company to White Transportation Company.

Mr. Herschel Harkins, attorney for White Transportation Company, was present, and stated that said company holds its franchise from the State Utilities Commission, but that the intra-city transportation law has been nullified and it is no longer necessary for a company operating this kind of system to have a franchise from the Utilities Commission.

The City Manager advised that an investigation is being made into this entire matter, and a report will be presented to the Council within the next few weeks.

Councilman McRary asked about the possibility of a barber shop and shoeshine service being located at the Asheville Airport.

The City Manager advised that space was available, but no applications had been made to install these services.

Mr. Herschel Harkins, attorney for Reeves Broadcasting Company, asked if any decision had been made in regard to a CATV system in Asheville.

He was advised that the city is awaiting developments before any decision is made.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 6, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 6, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by a number of operators of businesses on Clingman Avenue and Haywood Road, requesting a change in the traffic signal at Patton Avenue and Clingman to permit a left turn into Clingman was received.

This petition was referred to the Department of Public Safety for investigation and report.

A letter was received from the Planning and Zoning Commission recommending that Lots 133, 134 and 136, Block 20 remain as now zoned.

May 5, 1965

Honorable Mayor
Members of City Council
Council
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. R. L. Bailey:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 133, 134 and 136, Block 8, Sheet 20, remain as it is now zoned.

Sincerely yours,

s/ Anthony Redmond
Anthony Redmond,
Secretary

This was received as information by the Council.

Ordinance No. 518, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending March 31, 1965.

Miss Fannie McCoy spoke in opposition to fluoridating the public water supply.

Councilman Sumner again discussed the retirement of bonds through a bank as trustee rather than the Sinking Fund Commission.

The City Manager gave a brief report on the fee schedule to be paid the Wachovia Bank and Trust Co. for acting as trustee for the Metropolitan Sewerage District, said bank having been selected as trustee by the Directors of the Metropolitan Sewerage District as low bidder, and repeated his statement to the effect that bond attorneys and the Local Government Commission believe that the bonds will find a more favorable market if a bank is trustee instead of the Sinking Fund Commission. The legality of naming a trustee other than the Sinking Fund Commission is one of the points at issue in a test case now before the Supreme Court.

Councilman Sumner stated that many motorcycles now operating in the city are extremely noisy and don't seem to have any mufflers, and something should be done about this.

The City Manager advised that the city's ordinance covers all motor vehicles, and that the police will intensify their efforts to enforce the ordinance on motorcycles.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, May 13, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 13, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph Morris, J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Bryan Dave requesting the rezoning of Lots #1, #2, and #2-1/2 [illegible], from RA-5 to Commercial District.

A petition was received from a number of property owners requesting the rezoning of Cross [illegible] and Hilliard Avenue, from RA-6 Residential District to RA-M District.

[illegible] matters were referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Z. B. Robinson Investment Company requesting that an alley designated [illegible] on a plat recorded in the office of the Register of Deeds in Plat Book 12 at pages 34 and 35 be formally [illegible] by the City.

Following a discussion Councilman Sumner moved that said Trueway be accepted by the city which [illegible] seconded by Councilman McRary and unanimously adopted.

A petition was received from residents of the Tacoma Circle area asking that [illegible] for barking, a petition to be raised to $10, $20, and $30 for the first, second and third [illegible] and a requirement that after a third offense a dog would have to be removed from the city, on pain of $50 fine; and a letter was received from the Lake View Park Commission requesting that the Council [illegible] requiring owners to keep their dogs on their own property or on leash when taken on the street.

Following a discussion, Councilman Sumner moved that this matter be referred to the Corporation Counsel with the request that he confer with the local Society for the Prevention of Cruelty to Animals in an attempt to work out an acceptable control ordinance, which motion was seconded by Councilman McRary and unanimously adopted.

[illegible] May 5th, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman [illegible] passed on its final reading with the following vote:

Councilman Morris voted "aye"
Councilman McRary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE No. 518

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated by numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lot 2, Sheet 11, Ward 1

(2) That the following property be rezoned from Commercial District to RA-6 Residential District:

The portion of Lot 2, Ward 2, Sheet 19, north of the Expressway; and Lots 7, 7-1/2, and [illegible], Ward 1, Sheet 2

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final

I move the adoption of the foregoing ordinance, this 29 day of April, 1965.

C. E. Morgan
COUNCILMAN

SECONDED BY. T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 13 day of May, 1965, to become effective 25 day of May, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

[illegible] Jr.
ASSISTANT COUNCIL

Margaret Simmons
CITY CLERK

The City Manager presented a report from the Municipal Board of Elections showing the result of the General Election and the referendum upon the Proposed Ordinance requiring the chlorination of public water supply under the direction and supervision of State and County Boards of Health held on May 11, 1965.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

May 12, 1965

W. Haldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 11, 1965 the Municipal General Election for officials of the City of Asheville was held for the City of Asheville for the Democratic and Republican candidates for City Councilmen; and

WHEREAS, on Tuesday, May 11, 1965 a referendum was held upon the Proposed Ordinance requiring Chlorination of public water supply under the direction and supervision of State and County Boards of Health; and

WHEREAS, certificates of result of said General Municipal Elections and Referendum on Proposed Ordinance was certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on May 12, 1965; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 City polling precincts for both the General Municipal Election and the Referendum on Proposed Ordinance; and

WHEREAS, the results of both of said elections were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, find attached hereto certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville and declaring the result thereof, together with sworn statement tabulating such returns.

Also, find attached hereto certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the election on the Proposed Ordinance and declaring the result thereof, together with sworn statement of the members of the Board of Elections tabulating said returns.

Yours very truly,

S/ Wilson Hall
Chairman

S/ Eugene P. Conner
Secretary

S/ Irwin Mon[illegible]

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE HELD MAY 11, 1965, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville held on May 11, 1965 in the City of Asheville having been received from the Registrars and Judges of election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said General Municipal Election for seven offices of Councilmen of the City of Asheville held in the City of Asheville on May 11, 1965 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen of the City of Asheville in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said General Municipal Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each office, and the totals of such numbers.

DEMOCRATIC PARTY

PRECINCTS

	1	2	3	4	5	6	7	8	9	10	11	12
	[illegible]	[illegible]	[illegible]	635	57[illegible]	542	[illegible]	159	239	[illegible]24	321	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1[illegible]	255	022	299	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	446	1[illegible]	217	[illegible]	[illegible]	[illegible]
	[illegible]	55[illegible]	[illegible]	5[illegible]	511	508	413	156	205	615	323	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	51[illegible]	512	434	1[illegible]	218	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	555	442	169	228	620	322
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	5[illegible]	429	167	226	[illegible]16	31

	13	14	15	16	17	TOTALS
	[illegible]	[illegible]	[illegible]	305	293	
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	7352
	[illegible]	[illegible]	[illegible]	3[illegible]	[illegible]	7049
	[illegible]	[illegible]	[illegible]	3[illegible]	2[illegible]	7234
	[illegible]	[illegible]	[illegible]	37[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	7007
	328	245	[illegible]	[illegible]	22[illegible]	7314
						7310

REPUBLICAN PARTY

PRECINCTS

	1	2	3	4	5	6	7	8	9	10	11
	[illegible]	[illegible]	390	5[illegible]	5[illegible]	[illegible]	344	122	217	101	[illegible]
	[illegible]	[illegible]	[illegible]	57[illegible]	50[illegible]	629	335	11[illegible]	210	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	136	223	102	205
	[illegible]	[illegible]	[illegible]	565	516	672	343	121	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	50[illegible]	662	343	119	217	[illegible]	[illegible]

	12	13	14	15	16	17	TOTALS
	[illegible]	215	[illegible]	[illegible]	329	307	[illegible]
	158	213	168	417	34[illegible]	29[illegible]	5065
	165	[illegible]	[illegible]	[illegible]	[illegible]	350	[illegible]
	[illegible]	21[illegible]	174	[illegible]	[illegible]	299	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	340	319	5222

[illegible] 12th [illegible] May, 1965.

S/ Edison Hill

S/ Eugene P. Coston

S/ Irwin Monk
Members of the Municipal Board
of Elections

[illegible])

[illegible] 12th day of May, 1965.

S/ Margaret Simmons
Notary Public

[illegible] That from the canvass so made it is judicially determined and declared:

(a) That at [illegible] were officially elected to the office of City Councilman for [illegible]

William E. Algary
Robert P. Crouch
Earl W. Eller
I. W. McRary
Frank M. Mulvaney
Clarence E. Morgan
Theodore B. Sumner

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Irwin Monk seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Edison Hill, Eugene Coston and Irwin Monk, and those voting against said resolution being None.

Eugene Coston then introduced the following resolution, which was read:

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE REFERENDUM UPON "PROPOSED ORDINANCE REQUIRING FLUORIDATION OF PUBLIC WATER SUPPLY UNDER THE DIRECTION AND SUPERVISION OF STATE AND COUNTY BOARDS OF HEALTH" AND DETERMINING AND DECLARING THE RESULT THEREOF

BE IT RESOLVED by the Municipal Board of Elections of the City of Asheville:

Section 1. That the returns of the result of the election held in the City of Asheville on May 11 [illegible] upon Proposed ordinance requiring fluoridation of public water supply under the direction and supervision of [illegible] and County Boards of Health" having been received from the registrars and judges of election in the various [illegible] of the City, and having been canvassed, the Municipal Board of Elections has found and determined and does [illegible] declare:

(a) That each registrar and judge for said election was duly qualified by law and had taken the [illegible] oath;

(b) That the election officers had incorporated in their returns the number of votes cast For the Ordinance and Against the Ordinance in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the [illegible] election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the number of vote cast in each precinct in favor of the question submitted, the number cast against the question and the totals of such numbers:

	FOR THE ORDINANCE	AGAINST THE ORDINANCE
	102	1[illegible]
	350	3[illegible]
	33[illegible]	[illegible]
	6[illegible]	37[illegible]
	70[illegible]	2[illegible]
	[illegible]14	33[illegible]
	43[illegible]	24[illegible]
	106	134
	162	21[illegible]
	390	[illegible]50
	133	22[illegible]
	202	210
	159	27[illegible]
	125	197
	40[illegible]	33[illegible]
	277	3[illegible]
	32[illegible]	2[illegible]
TOTALS	5602	4523

Dated this 12th day of May, 1965.

S/ Edison Hill

S/ Eugene P Coston

S/ Irwin Monk
Members of the Municipal Board
of Elections

STATE OF NORTH CAROLINA)
CITY OF BUNCOMBE)

Subscribed and sworn to before me, this 12th day of May 1965.

[illegible] expires:
[illegible] Jan. 6, 1966

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made by this Board it is judicially determined and declared:

(a) That at said election 5602 votes were cast for the proposed Ordinance requiring fluoridation of [illegible] water supply under the direction and supervision of State and County Boards of Health, and 4523 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election [illegible] for said ordinance.

Section 4. That the result of said election shall be published immediately by reading at the front door of City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Irwin Monk seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Edison Hill, Eugene Coston, and Irwin Monk, and those voting against said resolution being None.

We, Members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE HELD MAY 11, 1965, AND DECLARING THE RESULT THEREOF", and a true, correct and complete copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE REFERENDUM UPON 'PROPOSED ORDINANCE REQUIRING FLUORIDATION OF PUBLIC WATER SUPPLY UNDER THE DIRECTION AND SUPERVISION OF STATE AND COUNTY BOARDS OF HEALTH' AND DETERMING AND DECLARING THE RESULT THEREOF", which were duly adopted on May 12, 1965 by the Municipal Board of Elections of said City, and that said resolutions are recorded in Minute Book 4, beginning at page 38 and ending at page 41, and beginning at page 41 and ending at page 43, respectively, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 12 day of May, 1965.

S/ Edison Hill

S/ Eugene P. Coston

S/ Irwin Monk
Members of the Municipal
Board of Elections of the
City of Asheville, N. C.

PROPOSED ORDINANCE

[illegible] Health Department, the Buncombe County Dental Association, and the [illegible] Medical Association [illegible] recommended and requested the Council of the City of Asheville to fluorid[illegible] the public water supply, [illegible] supply an element now missing from the public water supply but which is [illegible] the dental health of children and youth who drink the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the City Manager is hereby directed to proceed forthwith with the fluoridation [illegible] public water supply of the City of Asheville under the direction and supervision of the Health Department [illegible] Buncombe County and the State of North Carolina.

[illegible] City Manager advised that the Redevelopment Commission had requested the Council to approve a [illegible] Urban Renewal Project to approve an increase from $150,000 to $187,315 for survey [illegible] Urban Renewal Project south of Hilliard Avenue.

[illegible] Councilman Algary introduced a resolution of the City Council of the City of [illegible] and plans for an Urban Renewal Project and filing of an application [illegible] Councilman Algary was seconded by Councilman Mulvaney, unanimously adopted.

[illegible] resolution will be found in Resolution Book #[illegible] at page 40[illegible].

[illegible] City Manager advised that the Metropolitan Planning Board and the Redevelopment Commission of [illegible] [illegible] traffic pattern in the city, particularly as it relates to the [illegible] Urban Renewal Project area, and the Page-Walker Street and Commerce Street [illegible] and Flint Wilkes Smith and Associates had been requested to make this study. The City Manager [illegible] and has been completed and same is filed for consideration on the part of the city, the Metropolitan Planning Board, the Redevelopment Commission, and the Central Asheville Association, and after this study has been [illegible] the City and the State Highway Commission will enter into a formal agreement in order for it to become [illegible] part of the Metropolitan Traffic Plan as adopted in 1961.

Councilman Algary discussed the proposed plan and stressed the importance of a north-south route through the city, and a north route to the downtown section of the city.

[illegible] Louis McCoy spoke in opposition to fluoridating the public water supply, and requested the [illegible] City Health Officer, Dr. W. W. Stroup.

The mayor advised that this request was out of order and should be presented to the Buncombe County [illegible]

Councilman Morgan congratulated the members of the Council upon their election, and called attention [illegible] campaign, stating that the opposition candidates made no voting gains in the municipal election [illegible]

Councilman Sumner discussed the announcement by six Asheville and Buncombe County funeral homes that [illegible] will discontinue their ambulance operation on June 30th, and requested that the City Manager consult with the Chairman of the Board of County Commissioners to see if something can be worked out to keep such a service for the protection of the public.

The City Manager stated that he had already been in conference with Mr. Coke Candler, Chairman of the Board of County Commissioners, and was advised that there will be no interruption in service, although [illegible] all details have not yet been worked out. It was understood that local governments will have to cooperate to some [illegible] in the matter of fees, and also that information is being procured from other cities in regard to this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Monday, May 17, 1965 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 17, 1965, with retiring Mayor E. W. Eller presiding.

The invocation was rendered by Dr. Allen Gardner, pastor of the First Presbyterian Church.

The members of the City Council took the oath of office in a body, which oath was administered by the Honorable Zebulon Weaver, Clerk of the Superior Court, as follows:

COUNCILMEN:
E. W. Eller
W. F. Algary
F. M. Mulvaney
C. E. Morgan,
Theodore B. Sumner
J. W. McRary
Robert P. Crouch

Mr. Eller announced that the next order of business is the election of Mayor.

Councilman Sumner nominated Mr. Eller as Mayor, which nomination was seconded by Councilman Algary. Thereupon Councilman Morgan moved that the nominations be closed, which motion was seconded by Councilman McRary, and Mr. Eller was elected Mayor by unanimous vote.

Councilman Morgan nominated Frank M. Mulvaney as Vice-Mayor, which motion was seconded by Councilman Sumner. Councilman Sumner then moved that the nominations be closed, which motion was seconded by Councilman Algary, and Mr. Mulvaney was elected Vice-Mayor by unanimous vote.

Councilman Mulvaney, after expressing praise for the efficient manner in which Mr. Weir has conducted the duties of his office, nominated Mr. Weldon Weir as City Manager, which motion was seconded by Councilman McRary. There being no further nominations, a vote was taken and Mr. Weir was unanimously elected as City Manager.

Councilman McRary nominated O. E. Starnes, Jr. for Corporation Counsel, which motion was seconded by Councilman Mulvaney. There being no further nominations, a vote was taken and Mr. Starnes was unanimously elected as Corporation Counsel.

Councilman Algary nominated Miss Margaret Simmons for City Clerk, which motion was seconded by Councilman Morgan. There being no further nominations, a vote was taken and Miss Simmons was unanimously elected as City Clerk.

Councilman Morgan nominated Mr. John L. Huntsman as Director of Civil Service and Mr. J. William Hendon as a member of the Civil Service Board, which motion was seconded by Councilman Mulvaney. There being no further nominations, a vote was taken and Mr. John L. Huntsman was elected as Director of Civil Service, and Mr. J. William Hendon was elected a member of the Civil Service Board.

The oath of office was administered to the City Manager and City Clerk by Honorable Zebulon Weaver, Clerk of Superior Court.

[illegible]

Councilman Mulvaney introduced a resolution designating banking depositories for city funds, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 409.

[illegible] AND EMPLOYEES

Councilman Morgan introduced a resolution designating the officers and employees who shall give bonds for performance of their duties and setting amounts thereof, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 410.

[illegible]

Councilman Crouch introduced a resolution prescribing the time and day of the weekly meeting of the City Council, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 411.

[illegible] CITY OFFICIALS [illegible]

Councilman Morgan moved that the salaries of city officials and employees be continued at the present rate until further notice, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The minutes of the previous meeting were read and approved.

The City Manager expressed appreciation for his reappointment, and stated he would do the best he could to help the city with plans to grow in order that the economy may continue to expand.

The City Manager announced that all administrative personnel are reappointed to their present positions.

In regard to the question of ambulance service the City Manager advised that it now appears that he will make a recommendation to the Council that it adopt an ordinance setting forth standards to be included in any franchise that may be awarded for this service, and any interested applicants would have an opportunity to meet these standards in order that the city may have the best service possible, which ordinance will be presented to the Council within the next week or so.

The City Manager distributed the new City Code to members of the City Council.

Councilman McRary inquired why there was no grass on the embankment on the west side of the Airport, and the City Manager advised that this area had been seeded, but so far without result.

Councilman McRary asked about the requested closing of the lower end of Balsam Avenue, and was advised by the City Manager that this involves an engineering problem and that a resolution on this will be presented to the Council at an early date.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 27, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 27, 1965, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Dillard Realty Company, on behalf of Voyager Inns, Inc., requesting the rezoning of all property fronting on Charlotte Street and running west between Orchard and Clayton Streets to Orchard Place off Orchard and through Lot 69 on Clayton.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Asheville Council of Garden Clubs recommending that for every tree cut down a young tree be planted at some other place in the city.

This was accepted for study.

A letter was received from John F. Shuford, attorney for T. O. Youngblood, offering to purchase a certain strip of land located between the center line of the Buck Shoals Road and the western line of the T. O. Youngblood for $600.00.

The City Manager advised that a metes and bounds description would have to be prepared for this property, together with a resolution authorizing the property to be sold at public sale after due advertisement.

Councilman Sumner moved that this be done, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from W. J. Fonville of Greenville, S. C. regarding the dog problem.

In connection with the dog problem Councilman Sumner inquired if anything had been done on the preparation of a dog control ordinance.

The Corporation Counsel advised that he had been in conference with Richard Ford, President of the

Society for the Prevention of Cruelty to Animals, relative to drawing of a dog control ordinance, and that it was hoped this would be ready in the near future.

The City Manager advised that after conferences with staff members and Mr. Candler, Chairman of the Board of County Commissioners, an ordinance had been prepared establishing standards for ambulance service in the City of Asheville and Buncombe County, and that Mr. Candler had requested that the city take the initiative in this matter.

The ordinance was discussed by Sgt. Gene Jarvis of the Police Department, who answered questions concerning the standards set up in the ordinance.

The City Manager further advised that interest in providing ambulance service under the ordinance has been expressed by out-of-town interests and one local firm.

Following the discussion, Councilman Sumner introduced Ordinance No. 519, being "AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE", which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Vice-Mayor Mulvaney voted "aye"

Ordinance No. 519, being "AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Vice-Mayor Mulvaney voted "aye"

Councilman Algary moved that the Charter requirement that ordinances be read on three separate days be dispensed with and that this Ordinance be placed on its third reading immediately, which motion was seconded by Councilman McRary, and unanimously adopted.

Ordinance No. 519, being "AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 519

AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE

WHEREAS, in years past various funeral homes operating in and around the city of Asheville have provided all and sundry ambulance service needed by the citizens of Asheville and surrounding area, and the great majority of said funeral homes have made public announcement of their intention to eliminate the provision for ambulance service as of June 30, 1965; and

WHEREAS, the Council of the City of Asheville recognizes that a reliable ambulance service is necessary and essential to the public, both on an emergency and non-emergency basis, and that in the interest of public service provision for same must be made immediately so that there will be no cessation in the availability of a reliable ambulance service;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Definitions.

The following words and phrases, when used in this article, shall have the following prescribed meanings, except where the context clearly indicates a different meaning:

(a) Ambulance. The term ambulance shall mean and include any motor vehicle equipped with facilities therein to transport injured or infirmed persons, on call or demand, accepting patients and transporting them from one point to another in the city.

(b) Attendant. Any person riding in attendance with a patient.

(c) Call; run. The act of progressing with an ambulance to the scene of need and transporting a patient to his destination.

(d) Certificate. Certificate of public convenience and necessity issued by the City Council licensing the operation of an ambulance or ambulances.

(e) Council. The City Council of the City of Asheville.

(f) Dispatcher. The person whose presence is available at all times to receive request for ambulance service and dispatch ambulances and advise necessary agencies of the city government and medical facilities of any impending emergency.

(g) Driver. Any person driving an ambulance.

(h) Emergency. The operation of an ambulance to the scene where a person is in dire need of medical attention and the transporting of the patient to a medical facility.

(i) First-aid. This term shall mean the recognized prescribed first-aid courses, standard and advanced, conducted by the American Red Cross or its agency.

(j) Owner. Any person to whom a certificate of public convenience and necessity for the operation of an ambulance or ambulances has been issued.

(k) Patient. Any person being transported to medical attention or from medical attention in an ambulance.

(l) Person. Any individual, partnership, association, corporation or other organization owning or operating or proposing to operate an ambulance or ambulances within this city.

(m) Radio. Mobile radio units and base transmitting radio units.

(n) Rates; fares. Charges for transporting and other services provided.

(o) Trip record. A record of each person transported

Section 2. Certificate of public convenience and necessity.

No person shall operate or cause to be operated an ambulance within the city without first having applied for and obtained a certificate of public convenience and necessity from the City Council authorizing such operation.

Section 3. Application for certificate.

All persons applying to the Council for a certificate for the operation of one or more ambulances shall file with the Council a sworn application therefor, in triplicate, on forms provided by the Council stating as follows:

(a) The name and address of the owner, and in the event that the owner be a corporation, a certified copy of the articles of incorporation.

(b) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of such application, if any.

(c) The net worth of the owner or applicant over and above all debts, judgments, claims and demands whatsoever.

(d) Whether there are any unsatisfied judgments of record against such owner, and if so, the title of all actions and the amount of all judgments unsatisfied.

(e) The make, type, year of manufacture, serial number and equipment therein for each ambulance owned or operated or proposed to be operated by the applicant for a certificate of public convenience and necessity.

(f) Court record, if any, of applicant; Provided, that if applicant is a corporation, the court record, if any, of the officers, directors and supervising employees thereof, including general manager or director.

(g) Whether there are any liens, mortgages or other encumbrances on such ambulances, and if so, the amount and character thereof.

(h) And such other information as the Council may in its discretion require.

Section 4. Granting of certificate.

Hearing on application. Upon receipt of an application for a certificate, the City Council shall fix a time and place for hearing the applicant. No certificate shall be granted unless the Council shall find, after hearing, that the public convenience and necessity require the proposed ambulance service. In determining whether the public convenience and necessity require the operation of an ambulance or ambulances for which application for a certificate is made, the Council will consider and investigate the statements made in the application; the adequacy of existing ambulance service; the financial responsibility, experience and character of the applicant; the public need for additional service; the ability of existing holders of a certificate to provide any necessary additional service and any other factors pertinent to such determination.

Issuance of certificate. Upon finding that the public convenience and necessity require the proposed ambulance service, the Council shall grant to the applicant a certificate upon the terms and conditions prescribed by this article; provided:

(a) The applicant shall have complied with all the provisions of this article.

(b) The ambulance or ambulances proposed to be operated under said certificate shall be found, after inspection by the Police Department, to meet the requirements of this article;

(c) There are no unsatisfied judgments of record against the applicant; and

(d) The court record, if any, of the applicant is such as would conform to the public interest upon granting of a certificate.

Section 5. Term of Certificate. In order that any applicant granted a certificate may justify the capital investment essential to the adequate and efficient ambulance service required in the public interest, the term of any certificate granted shall be ten years; provided, that any certificate granted may be suspended or revoked by the Council, after a hearing held upon thirty days' notice to any certificate holder for failure to comply with any provision of this article. If upon such hearing, the Council shall find that the certificate holder has corrected any deficiencies and has brought himself into compliance with the provisions of this article, the certificate shall not be suspended or revoked. No certificate granted may be sold, assigned or transferred nor in any way vest in any person other than the applicant to whom the certificate is granted any rights or privileges under said certificate.

Section 6. Existing ambulances.

Every owner operating a licensed ambulance or ambulances in the city on the 1st day of July, 1965, shall be deemed, in the absence of evidence and findings by the Council to the contrary, to be operating under public convenience and necessity and, provided that all other requirements of this article have been met, the Council shall grant a certificate to such owner or owners upon written request therefor.

Section 7. Ambulance specifications.

All vehicles used as ambulances shall conform to the following specifications and requirements:

(a) General construction.

(1) All bodies shall have five doors, two leading into the driver's compartment, two leading into the front of the patient's compartment and one leading into the rear of the ambulance, so constructed that all doors may be opened from the inside and outside. Each door shall be constructed with a safety lock.

(2) All upholstery covering or interior lining in any ambulance shall be of leather or other non-absorbent and washable material.

(b) Equipment:

(1) Four-wheel power brakes and be capable of stopping within twenty-two feet at twenty miles per hour.

(2) Parking brake.

(3) Front and rear bumper.

(4) Heater and defroster sufficient to heat interior of ambulances in cold weather.

(5) Right and left side rear view mirrors and one in driver compartment.

(6) Speedometer exposed to view and no ambulance to be operated with broken or disconnected speedometers.

(7) Power steering.

(8) Windshield wiper and washers.

(9) Tires must have a minimum of 4/32 inch tread. From November 1 to March 15, or any other time snow may be encountered, ambulances must be equipped with mudgrip tires.

(10) Governors set to maximum of 60 m.p.h.

(11) Alternator with minimum of 60 amperes output.

(12) Automatic transmission.

(13) Cot holder.

(c) Lights

(1) Each ambulance shall be equipped with a minimum of one revolving red light on top of ambulance.

(2) Standard headlights with low and high beam approved by Motor Vehicle Commission of the state.

(3) Back-up lights.

(4) Rear compartment light must be on when transporting patient.

(5) White light to illumine license plate.

(6) Hand-light either attached or unattached to body.

(d) Warning devices.

(1) Each ambulance shall be equipped with a rotary siren. The propeller shall be a minimum of ten inches in diameter.

(2) Each ambulance shall be equipped with a minimum of one rotating roof-mounted fixture containing three sealed beam lights and have a minimum height of eleven inches and ten inches in diameter.

(e) Designation. Each ambulance operated within the city shall bear the name of the owner and a unit number. All ambulances of each owner shall be of the same color scheme. All owners shall adopt a separate color scheme for their ambulances distinct from that of any other owner.

(f) Communications.

(1) Each ambulance shall be equipped with a two-way radio licensed by the Federal Communications Commission and in operative condition at all times.

(2) Each owner shall maintain a dispatcher twenty-four hours every day at his base of operation for the purpose of communication with the public and with the ambulances.

(3) Each owner must provide direct communications with the city police dispatcher from his base of operation.

(g) First aid equipment. Each ambulance shall be equipped with the following:

(1) One ambulance cot with adjustable head rest.

(2) One folding emergency stretcher.

(3) One compartment for clean supplies.

(4) One compartment for soiled supplies.

(5) Ten sheets, five pillow cases freshly laundered and wrapped in pairs when not in use.

(6) Minimum of five hundred pounds pressure oxygen supply equipped with inhalator, resuscitator adult and child face mask.

(7) Splints, including Thomas Leg Splint, two fore-arm splints, and two full-arm splints.

(8) Bandages, 2 in. and 3 in. rolls.

(9) Bandage shears.

(10) Tourniquet.

(11) Aspirator, rubber bulb.

(12) Elastic bandages, 3 in. rolls

(13) Five bias cut stockinettes, 3 in. x 3 ft. rolls for splinting.

(14) Two adult airway passages.

(15) Two child airway passages.

(16) Two infant airway passages.

(17) Tongue depressors.

(18) One resuscitube airway.

(19) Adhesive tape, 1 in., 2 in. and 3 in. rolls.

(20) Six umbilical cord clamps.

(21) Four tuft bath towels.

(22) Four hand towels.

(23) One cotton blanket.

(24) Ten trip records.

(25) One pillow

(26) Four safety pins.

(27) Eight gauze pads dressings.

(28) One snake bite kit.

(29) One rubber sheet.

(h) Sanitation.

(1) Each ambulance shall have closed compartments for first aid equipment free from dust, insects and rodents.

(2) The interior of each ambulance shall be clean and wiped with an approved antiseptic daily even if ambulance has not been used, and after each patient transported unless an emergency prevents same.

(3) Weather permitting, each ambulance must be cleaned on the exterior each day.

(4) In the event of transportation of a patient with a contagious or infections disease, ambulance shall be cleaned and wiped with approved antiseptic and not be used for twenty-four hours.

(5) There shall be at all times freshly laundered linen on cots used to transport patients, changing linen after each patient carried.

(i) Inspection by owner. Each owner must inspect each ambulance every morning to ascertain cleanliness, mechanical and operational worthiness for transporting patients.

(j) Maintenance. Any ambulance found by the owner, upon inspection, to be unsafe for ambulance operation shall have such repairs and alterations made as may be required and shall not operate or cause to be operated any such ambulances until all such repairs and alterations have been completed.

Section 8. Drivers and attendants; qualifications; prohibited acts.

(a) Qualifications. No person shall be employed or act as an ambulance driver or attendant unless such person shall meet the following qualifications:

(1) Be at least twenty-one years of age.

(2) Hold a current chauffeur's license issued by the State of North Carolina.

(3) Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of an ambulance, and present evidence of no handicapping conditions as shown by negative chest x-ray, blood test for syphilis and urinalysis.

(4) Be able to read, write and speak the English language.

(5) Be clean in dress and person and in uniform designating the ambulance service and his name.

(6) Be not addicted to the use of drugs or intoxicating liquors.

(7) Shall not have violated any laws or ordinances of this city or state concerning driving while under the influence of intoxicating liquors or beverages, speeding, larceny, trespassing or sexual perversion of any type within the past five years. Affidavit of same shall be on file with the owner and subject to police inspection.

(8) Shall have completed the recognized Standard and Advanced American Red Cross First Aid Course and maintained on his person a current valid card indicating same.

(9) Shall have completed twenty-five emergency trips as an observer before being allowed to operate an ambulance.

(10) Shall have completed course on the handling of laryngectomies and tracheotomies.

(11) Shall have completed course of administering oxygen, such course given by an oxygen therapist or his agent.

(12) Shall have completed instructions on handling pregnant women.

(13) Shall have completed instruction on heart patients. Provided, attendants may be under twenty-one years of age but must be at least eighteen and need not hold a chauffeur's license if not required by the State of North Carolina.

(h) Prohibited acts. Any person employed or acting as a driver or attendant is hereby forbidden to commit or cause to be committed any of the following prohibited acts:

(1) To fail to comply with all reasonable and lawful requests of the patient as to first aid treatment and to destination.

(2) To smoke while inside an ambulance whether moving or standing.

(3) To transport any deceased person except through explicit instruction of the deceased's family, the coroner or police, after permitted by police, to any place other than a local state-recognized hospital.

(4) To move any deceased person except by permission of the city police.

(5) To move any patient where there is suspicion of foul play without first notifying the city police of such suspicion.

(6) To recommend to anyone a particular funeral home to handle a deceased person.

(7) To administer, prescribe, employ or sell any drug, herb, medicine, plaster or belt or attempt the treatment of a disease.

(8) To make vaginal examinations for the purpose of determining pregnancy nor attempt to mechanically break the bag of waters or remove adherent placental tissue.

(9) In the event of miscarriage, to transport any patient without first obtaining all placenta membranes and transporting same with patient if found.

(10) To disregard any instruction from a licensed physician of this state as concerns the welfare of the patient.

(11) To disregard the instruction of any police officer during the administering of first aid, transporting, standing or enroute to destination.

(12) To permit anyone to sit in the attendant seat other than attendant, doctor or registered nurse.

(13) To make an emergency run without having notified the city police beforehand of such emergency and awaiting clearance.

Section 9. Rules governing general operation.

The following rules shall govern the general operation of ambulances under a certificate of public convenience and necessity:

(A) OPERATING RULES.

(1) Registration. No person shall operate a motor vehicle as an ambulance unless such venicle has been registered in accordance with the laws of the state, and all required licenses and permits have been obtained.

(2) Compliance with laws and ordinances. Every ambulance shall be operated in accordance with the laws and ordinances of this state and city governing the operation of emergency vehicles.

(3) Terminal required. Every ambulance operated under a certificate on the streets of the city shall have a headquarters terminal wherefrom ambulances are dispatched and whereto such ambulances shall return by the most direct route.

(4) Emergency runs. Upon receipt of a request for an emergency run, the dispatcher shall clear with the police department dispatcher the nature of the emergency and the location thereof, and shall await police clearance before dispatching an ambulance to the scene of the emergency.

(5) Emergency procedure. Upon arrival at the scene of an emergency, determination shall be made immediately of the condition of the patient, necessary first aid treatment shall be administered, and thereupon the patient shall immediately be transported to medical attention, under emergency run conditions only if the patient's condition is such as to warrant immediate medical attention of a physician in order to conserve human life or relieve undue suffering.

(B) RECORDS AND REPORTS.

(1) Record of dispatcher or owner. There shall be maintained for a period of three years, a record of all calls which shall show the patient's name, age, race, sex, address, time call received, time ambulance dispatched, time ambulance arrived at scene or address, time ambulance reached destination of hospital or medical attention, to what hospital or place of medical attention patient was transported, dispatcher's name, and whether call was emergency or not.

(2) Trip record. There shall be maintained for a period of three years a trip record showing all the information required in sec. 9(B)(1), and, in addition: the condition of the patient and whether or not first aid treatment was administered; whether or not an emergency run was made; the names of the driver and attendant. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. A copy of the trip record may serve as a receipt for any charges paid.

(3) Daily log. The dispatcher shall maintain a daily log for the purpose of identifying persons transported in any one day.

(4) Inventory record. In the event that the transport of a deceased person is made, there shall be prepared a written inventory of personal possessions transported, witnessed by the agency receiving the deceased, and such inventory shall be kept on file for a period of two years. Such inventory may be inspected by deceased's next of kin and by any governmental agency having authority to make such inspection. A copy of such inventory shall be given to the witnessing agency.

(5) Inspections. Monthly records of inspections of vehicles and equipment shall be kept current and made available to any governmental agency requesting same.

(C) INSURANCE REQUIRED.

Every owner operating ambulances under a certificate shall submit to the City Council evidence of public liability and property damage insurance in force with an insurance company licensed to conduct business in this state in the following amounts:

Bodily Injury --$100,000 per person

Bodily Injury -- $300,000 per accident

Property Damage -- $100,000 per accident

Such owner shall also show that the city is named as an insured on such policies.

Section 10. Rates and charges.

(A) No person owning, operating or controlling ambulances under a certificate of convenience and necessity shall charge other than the following rates for ambulance service:

(1) Day: 6:00 a.m. to 6:00 p.m

(a) $15.00 per person for the first ten miles, one-way

(b) $0.65 per mile per person in excess of ten miles, one-way.

(2) Night: 6:00 p.m. to 6:00 a.m.

(a) $15.00 per person for the first ten miles, one-way.

(b) $0.65 per mile per person in excess of ten miles, one-way.

(3) Extras.

(a) $5.00 for oxygen.

(4) Waiting time.

(a) $3.00 for the first fifteen minutes.

(b) $2.00 for each addition fifteen minutes.

(5) Nonemergency round trips. $22.00, including not more than thirty minutes waiting time. Waiting time in excess of thirty minutes to be charged at regular rates specified above.

(6) Limousine ambulance. Service will be provided only on request of patient or family and when so provided will be at the rate of $20.00 per person, plus $1.00 per mile or fraction thereof, one-way.

(B) Any owner or operator charging in excess of the rates prescribed herein shall be in violation of this article and shall be subject to a penalty of twenty-five dollars ($25.00) for each such violation.

(C) Any person who engages ambulance service from an owner operating under a certificate of convenience or necessity and fails or refuses to pay such owner or operator the lawful charges for such service within ninety (90) days from date such charges are made shall be in violation of this article and shall be subject to a penalty of twenty-five dollars ($25.00) for any such violation.

Section 11. Violations.

Any violation of the provisions of this article shall be a misdemeanor subject to a fine not exceeding fifty dollars, ($50.00) Dollars, or imprisonment not exceeding thirty (30) days, as provided by Section 14-4 of the General Statutes of North Carolina.

I move the adoption of the foregoing ordinance, this the 27 day of May, 1965.

T. B. Sumner
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this the 27th day of May, 1965, to become effective the 27th day of May, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that a License and Privilege Tax Ordinance had been prepared adopting by reference the schedule set up in the ordinance adopted last year.

There was a discussion about the provision concerning bankrupt or fire stock, and drive-in restaurants.

Following the discussion, Councilman Algary introduced Ordinance #520, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966, which was, upon motion of Councilman Algary, seconded by Councilman McRary unanimously adopted on its first reading with the following vote:

Councilman McRary voted "aye" Councilman Crouch voted "aye"
Councilman Algary voted "aye" Councilman Sumner voted "yea"
Vice-Mayor Mulvaney voted "aye"

The City Manager advised that petitions have been received for the paving on North Bear Creek Road (from Johnson Blvd. to Rash Road), Rash Road (from end of existing paving west for distance of 185 feet), Talmadge Court and Talmadge Extension, Lilac Street (from intersection with Smith's Alley to dead end), Smith Alley (to dead end), and Carrier Place (from Carrier Street to Rumbough Place), Short Shiloh Street (to dead end), and Beaver Point Circle (to dead end), and, in order to establish a lien on all abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Sumner introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on North Bear Creek Road (from Johnson Blvd. to Rash Road), Rash Road (from end of existing paving west for distance of 185 feet), Talmadge Court and Talmadge Extension, Lilac Street (from intersection with Smith's Alley to dead end), Smith Alley (to dead end), Carrier Place (from Carrier Street to Rumbough Place), Short Shiloh Street (to dead end), and Beaver Point Circle (to dead end), which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 412.

The City Manager advised that Ordinance 497 annexed certain territory to the City of Asheville, and that the State Highway Commission had requested that certain state roads within this territory be transferred from the Secondary Road System to the Powell Bill System.

Councilman McRary introduced a resolution accepting for maintenance by the City of Asheville certain portions of public roads located in areas recently annexed into the city, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 413.

Councilman Crouch introduced a resolution authorizing Mayor to execute lease with The Salvation Army for operating off-street parking facility by city, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 414.
Copy of lease will be found attached to original resolution.

Councilman Crouch introduced a resolution authorizing Mayor to execute lease with Citizens Express, Inc. for operating off-street parking facility by city, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 415.
Copy of lease will be found attached to original resolution.

Councilman McRary introduced a resolution appointing two members of Advisory Board as created under Ordinance #310, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 416.

Councilman McRary introduced a resolution appointing two members of Appeal Board in accordance with Ordinance 310, as amended, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 417.

Councilman Crouch introduced a resolution appointing two members to the Library Board of the City of Asheville, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 418.

Councilman Sumner introduced a resolution reappointing City Manager as ex officio member of the Western North Carolina Regional Planning Commission, and prescribing such membership as an additional duty of the City Manager, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 419.

The City Manager advised that the city has a five foot right-of-way along the east side of Rankin Avenue, and plans are in process for the widening of this street.

Councilman Sumner introduced a resolution accepting dedication of a four foot strip on the eastern margin of Rankin Avenue, and for the widening thereof, said strip lying on the eastern side of Lots 1 through 12 as shown on Plat Book 3 page 19 Buncombe County Registry, which was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 420.

Mr. A. N. Salley, attorney for Investment Properties, appeared before the Council in regard to the status of the Maple Cove residential development on Sunset Drive.

Mr. Salley was advised that this matter had been referred back to the Planning and Zoning Commission for a public hearing, and that this hearing will be held on Wednesday, June 2nd.

Mr. A. L. Keever appeared before the Council with a request that the portion of Old Sand Hill Road abutting Lots 51, 52, 53, 55 and 76 be closed since this road has not been used for approximately forty years.

The City Manager advised that it would be necessary to make an engineering study to obtain a description of the road and then prepare a resolution setting a date for a public hearing on the proposed closing after due advertisement.

Councilman Algary moved that this be done, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Sumner
CITY CLERK

Thursday, June 3, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 3, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Robert P. Crouch, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A notice was received from the North Carolina League of Municipalities that the League in cooperation with the Institute of Government would conduct a two day school for newly elected Mayors and Councilmen on June 24th and 25th at Asheville-Biltmore College.

A resolution of the Board of Directors of the Civic Arts Council, Inc. was presented requesting that consideration be given to moving the proposed North-South Expressway either to the east or west of the nine acre Urban Renewal tract.

This was received as information by the Council.

A letter was received from The Door Openers requesting that architectural barriers be eliminated as an aid to physically handicapped citizens, particularly placing of ramps at steps in front of the City Building and the Auditorium, sloped curbs or indented sidewalks be made in each block of the main business district, and that plans for making buildings and facilities accessible be incorporated into all plans in the Urban Redevelopment Program.

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that Lot 4, Sheet 11,

be zoned Commercial District.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall,
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney Charles G. Buck (for Mr. Robert P. Ingle):

It was moved, seconded, and unanimously passed that the Commission recommend that the entire tract (Lot 4, Sheet 11, Ward 6) be zoned Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that all property fronting on Charlotte Street and running west between Orchard and Clayton Streets to the easterly line of Orchard Place and the westerly line of Lot 69, Ward 2, Sheet 2, be rezoned from RA-M District to Neighborhood Trading Area.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. R. S. Dillard, Jr. (for Voyager Inns Inc.):

It was moved, seconded, and unanimously passed that the Commission recommend that all property fronting on Charlotte Street and running west between Orchard and Clayton Streets to the easterly line of Orchard Place and the westerly line of Lot 69, Ward 2, Sheet 2, be rezoned from RA-M District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that all lots fronting on Grove Street between Patton Avenue and Hilliard Street be rezoned to RA-M District.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Dr. William Griffin and others on Grove Street:

It was moved, seconded, and unanimously passed that the Commission recommend that all lots fronting on Grove Street between Patton Avenue and Hilliard Street which are presently zoned RA-6 Residential District be rezoned to RA-M District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission permitting signs of 100 square feet at property line in neighborhood trading and roadside business zones.

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following

action was taken on the request of the Department of Public Safety that consideration be given to the size of signs permitted in Neighborhood Trading Area and Roadside Business Area:

It was moved, seconded, and unanimously passed that the Commission recommend that Section 6, Paragraph A-8 of the Asheville Zoning Ordinance be amended as follows:

"8. Signs:

a. Provided that the minimum required yard next to any street line shall be complied with as hereinafter set forth; except, that signs having an overall area of one hundred (100) square feet or less and advertising a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located, shall not be required to comply with such requirements. The area of any free standing sign shall include the area of the sign face and all portions of the structure."

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that Section 15. Changes and Amendments be amended to provide that owners of fifty-one per cent of property within an area may petition for change; that applications be submitted on forms prepared and supplied by Planning and Zoning Commission; that proposed amendments originating from Council be referred to the Planning and Zoning Commission for review and recommendation; that Council hold public hearing on proposals initiated by Commission after due notice; that in case of protest against proposed change signed by owners of twenty per cent of area amendment shall not become effective except by favorable vote of three-fourths of all members of Council; that zoning petitions may not be resubmitted within one year, except may be initiated by City Council if proposal does not involve same type of change previously requested, or sufficient evidence is presented to the Commission to justify a finding that there has been a substantial change in character of area, or evidence is called to attention of Commission which was not considered in previous deliberations; and a fee be paid for initiation of proposed change, amount to be fixed by the Planning and Zoning Commission.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

It has become apparent in the past few months that the Changes and Amendment Section of the Asheville Zoning Ordinance is both inadequate and out-dated.

The Planning and Zoning Commission has given considerable study to this and at its regular meeting on June 2, 1965, unanimously voted to recommend to City Council that the Zoning Ordinance be amended as shown on the attached proposal.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

"AMENDMENTS PROPOSED BY THE PLANNING STAFF

Repeal all of Section 15 and in lieu thereof insert the following:

Section 15. CHANGES AND AMENDMENTS.

The regulations, restrictions, and boundaries provided for in this Ordinance may from time to time be amended, supplemented, changed, modified or repealed through the following procedure:

A. A proposed change of district or of text may be initiated by the Planning and Zoning Commission, City Council; or by an application filed with the City Council by the owner or owners of fifty-one (51) percent of the property within the area proposed to be changed, provided, however, that if an application is for a change on both sides of a street, the owners of fifty-one (51) percent of the street frontage on each side of the street proposed to be changed must join in the application.

B. The said applications shall be on forms prepared and supplied by the Planning and Zoning Commission.

C. Any proposed amendment received by the City Council on the proper application form and any amendment originating from the Council itself and not originating from petition of the Planning and Zoning Commission shall be referred to the Planning and Zoning Commission for review and recommendation.

D. Upon receipt of such recommendation or of a proposed amendment initiated and recommended by the Commission itself, the Council shall hold a public hearing on the proposal. Due notice of the hearing shall be published as required by law; such notice to be signed by the City Clerk. Such public hearing may be adjourned from time to time or from place to place as the Council may deem advisable without further notice.

E. In the case of a protest against a proposed change of district signed by the owners of twenty (20) per cent or more either of the area of lots included in such proposed change, or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one-hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all members of the City Council.

F. No subsequent application for an amendment affecting the same property, or any part thereof, shall be initiated until the expiration of one (1) year from the date of final determination by the City Council on the prior application for amendment; provided, however, that a proposal for an amendment affecting the same

property, or any part thereof, may be initiated after six (6) months from the date of final determination by the City Council if:

(1) The proposal does not involve the same type of change in zoning restrictions previously requested; or

(2) Sufficient evidence is presented to the Planning and Zoning Commission to justify a finding that there has been a substantial change in the character of the area; or

(3) Evidence or factors are called to the attention of the Planning and Zoning Commission which were not considered in its previous deliberations and the Commission is of the opinion that it probably would not have reached the previous conclusion had it considered such evidence or factors.

G. A fee shall be paid for the initiation of any proposed change of district or of text of this Zoning Ordinance. The amount of said fee shall be as fixed by the Planning and Zoning Commission."

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that Lots 81, 82, and 82-1/2, Sheet 3, Ward 4, remain as now zoned.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Hyman Dave:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 81, 82, and 82-1/2, Sheet 3, Ward 4, remain as they are now zoned.

Sincerely,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from Richard M. Yearwood, Executive Director of the Planning Department, advising that the Planning and Zoning Commission recommends that the City Council initiate action to have Buncombe County removed from the list of counties exempted from the 1955 Subdivision Enabling Act during the present term of the legislature.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

Upon inspection of the planning legislation in North Carolina, it was found that all municipalities in Buncombe County are exempt from the 19tt legislation which allows for the adoption of Subdivision Regulations, thus giving no legal status to Asheville's Subdivision Regulations.

At the regular meeting of the Asheville Planning and Zoning Commission held today, it was moved, seconded and unanimously passed that the Commission recommend that City Council contact our Representative and initiate action to have Buncombe County removed from the list of counties exempted from the 1955 Subdivision Enabling Act during the present term of the Legislature.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr

This request was referred to the City Manager for discussion with the Buncombe County delegation to the General Assembly.

A letter was received from the Planning and Zoning Commission advising that the Commission had reviewed the petition of some forty property owners on Von Ruck Terrace who oppose the construction of Maple Cove development, and the Commission reaffirmed its previous position of January 2, 1963.

June 2, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission reviewed the Petition of some 40 property owners on Von Ruck Terrace who oppose the construction of "Maple Cove" development by Investment Properties of Asheville.

After review of past records and discussion, it was moved, seconded, and unanimously passed that the Commission reaffirm its previous position of January 2, 1963.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Algary and unanimously adopted.

Ordinance No. 520, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966, was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Algary introduced resolution appointing members to Board of Adjustment under Ordinance #322, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 421.

Councilman McRary introduced a resolution providing for a public hearing on petition to close a portion of Balsam Avenue located in Ward 6, Sheet 14, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 422.

Councilman Crouch introduced a resolution authorizing City Manager to execute contract with Ambulance Service of Charlotte, Inc., which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 423.
Copy of Contract will be found attached to original Resolution.

The City Manager presented the Audit of the City of Asheville for the period ending March 31, 1965.

Dr. John L. Bitter presented a brochure of the proposed Civic Arts Center containing a description of the elements of the center with the estimated cost of each.

Also speaking in behalf of the proposed center were Mrs. Emily Carr and Mr. Otto Feistmann.

The City Manager presented a statement on a proposed $10 million dollar city community facilities development program with a proposed time schedule and recommending a bond election to finance the program and raising the present ratio of assessed property valuation to fair market value from 40 per cent to 70 per cent with a corresponding decrease in the ad valorem tax rate.

STATEMENT OF CITY MANAGER

"The Asheville City Government, some few years ago recognized two or three factors concerning the future development of Asheville.

The first was that if we were to attract industry we must have an abundant water supply. We developed this water supply after careful planning, and this enabled us to move into industrial development.

The City then recognized the desirability of cleaning up our streams, and so we developed a comprehensive system of sewer facilities, which plan is now being put into effect.

Then we planned and built a major new airport to provide modern transportation to Asheville.

So we have set about accomplishing these basic things to support the industrial complex.

At the same time we have been able to maintain a school building program that has met standards, including the development of Asheville-Biltmore College into a four-year institution.

As the City is moving into a plan to provide public facilities, I would like to give you a quick rundown of the picture as we see it, that is, the Metropolitan Planning Board, the Redevelopment Commission, and the City Government.

In order to have benefits of certain federal aid, so that we could at least come up with matching funds it has been necessary that we develop a program for community facilities. We have outlined a program in general terms, and it has come up for renewal from time to time and is still in force and this plan is required in order to participate in federal funds for Urban Renewal, other planning grants or federal funds, whatever they may be.

This community facilities plan is now under development with a deadline of February 1, 1966, so we have this year to develop this entire complex for community facilities.

Here is what the City Government has in mind, and this is the thinking of all of the planners and planning board.

The firm of Barbour and Cooper is making a plan for future facilities requirements, and Metropolitan Planning Board is studying the location for these facilities, and their reports will be the basis for deciding these facilities and locations.

Civic Arts Center will be located in the present Urban Renewal project between City-County Plaza and the Expressway. You are all familiar with this location, and the entire Civic Arts group has approved it.

Meantime, the Library Board has recommended that a new Library be built on the location of the present Pack Library, and every report has indicated that this is the proper location, and I believe Metropolitan Planning Board has approved that location.

So we have established two important community facility locations.

Then the question of the location of a convention center and of a coliseum-sports arena building is the next question. We in City Government feel that these should be located on the tract of land parallel to the Expressway and including the area between Montford Avenue and Broadway, from Chestnut Street to the Expressway. This would place the sports arena and convention facility adjacent to downtown Asheville. Now we see a need in the foreseeable future for the relocation of the present athletic field and the stadium at McCormick Field due to parking problems and general congestion in that area. These facilities are now some forty years old and should be replaced. We propose to set aside a fifteen acre tract adjacent to Aston Park running in the direction of the depot, and develop this area into the new athletic fields. I will carry this one step further and suggest that possibly the zoo at Recreation Park has reached a point where it should be relocated, and it could possibly go into this same complex. The total area involved in addition to Aston Park would be some sixty to seventy acres which would be available from the second Urban Renewal area for development into athletic fields, the zoo and other activities.

So, assuming that these projects all move along in this direction, and that the report of Barbour and Cooper support it, and the report of Metropolitan Planning staff support the locations, we would be faced with the problem of financing them.

All of these community facilities would be financed through one bond issue. Assuming that this bond issue would be voted upon and passed in 1966, the development program would go forward in the following manner:

1. The Library would probably get started in the spring of 1966 after the bond issue had passed. This would call for moving along on a real tight schedule.

2. The Civic Arts Center would probably go forward and get under construction in the late part of 1966, provided land in the Urban Renewal development could be acquired and cleared by that time.

3. The Convention Center would probably follow in 1967. It has not yet been determined whether the land for this development would be acquired in another Urban Renewal project or whether the City would acquire it direct. If it is to be a third Urban Renewal project, then it would be a little slower process. Under an Urban Renewal Project it could probably be started in 1968. The money for the project would be released under the bond schedule as the projects develop.

4. The Athletic Fields would be the last scheduled for development in the late 60's or early 70's. These would be in the Urban Renewal project now under planning.

This is the feasibility schedule as we see it. How well this program is going to go forward will be determined by the support for it and the problems to be confronted.

The Hammer report emphasizes the urgent need for private enterprise to know what the development program is so that they can go along accordingly and maintain their standards and provide accommodations to support these projects.

This entire development program must be held together in one undertaking. This is the only way public support can be generated for all of these projects and the bond issue passed. I think this is the effort that should be made. If we keep all of these projects in one package, I think it is feasible, but if we start to take off one at a time, then I believe we are in real trouble, and I think they would fail. As far as a bond issue is concerned, all of these projects will be in one package.

It is estimated that the total cost of this program will be about ten million dollars. The local cost, after applying certain Federal funds that are available and possible private funds, is estimated to be seven and a half

to eight million dollars. In order to finance such a program consideration will have to be given by January 1, 1966 to the assessment ratio to the fair market value of property. At the present time the ratio of 40% to fair market value is used for ad valorem taxation purposes. This restricts the city's credit, since the General Statutes provide that cities are not permitted to issue bonds in excess of 8% of the total assessed valuation. Other cities in North Carolina have moved this ratio up in order to establish credit ratings. It is suggested that consideration be given to increasing the ratio from 40% to 70%, and of course the tax rate would be adjusted accordingly. It seems to me proper to make this review at this time inasmuch as this is the second request before this Council for improvements to public facilities."

The City Manager advised that any change in the assessment ratio would have to be made for both the city and county, and put into effect by the Board of Tax Supervision on recommendation of the City Council, the Board of County Commissioners and other municipalities in the county.

Councilman Algary stressed the need for the north-south freeway, and said he approved of the Civic Arts Center as a facility, but thought it ought to be located in the proposed convention center-coliseum complex in the Montford Avenue area.

Mr. W. G. Hutchison read a letter in which he complained of numerous traffic safety violations, and urged the creation of a committee to investigate the deficiencies and seek improvements.

The Corporation Counsel reported that the Society for the Prevention of Cruelty to Animals had no suggestions to make on a compromise ordinance in regard to dogs, and only suggested that the ordinance regarding vicious dogs be reconsidered and fines and penalties increased in regard to vicious dogs.

Councilman Sumner moved that the Corporation Counsel be instructed to draw an ordinance restricting all dogs from running at large in the city and present it at the next meeting of the Council, which motion was seconded by Councilman McRary.

During the discussion, Mayor Eller suggested that a fence-leash ordinance be prepared with an accompanying petition calling for a referendum on the ordinance.

The City Manager advised that such a procedure is provided for in the City Charter, and the petition would require about 1850 names to secure a vote.

Councilman Sumner stated he thought the opponents of the fence-leash ordinance should be required to secure the signatures.

Upon a vote being taken upon Councilman Sumner's motion it was defeated.

Councilman Algary then moved that an ordinance and petition calling for a referendum on the ordinance be prepared, and that an election be held on this question if a sufficient number of signatures are obtained, which motion was seconded by Councilman Mulvaney.

A vote was taken on this motion and it passed, Councilman Algary, Mulvaney, Crouch and Mayor Eller voting for the motion, and Councilmen Sumner and McRary voting against the motion.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 10, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 10, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: F. M. Mulvaney, T. B. Sumner, J. W. McRary, R. P. Crouch, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from R. L. Coleman & Company requesting the rezoning of Lot 116, Sheet 21, Haw Creek Ward to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending that the site plan entitled "Asheville Apartments" be approved.

June 10, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached site plan entitled "Asheville Apartments" prepared by Carter and Bearden, Engineers, and dated May 24, 1965, was reviewed by the Asheville Planning and Zoning Commission at its regular meeting on Wednesday, June 2, 1965.

The above described site plan was given preliminary approval, subject to the showing of an adequate playground within the development. This requirement has now been met and the site plan is recommended to you for final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Sumner moved that said site plan be approved, which motion was seconded by Councilman Mulvaney and unanimously approved.

Ordinance No. 520, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 520

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1965 AND ENDING JUNE 30, 1966

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, or selling or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1965, to thirtieth day of June, 1966, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by October 1, 1965, 5% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person, interested in or connected with such business, to give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists. (Prohibited.)
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of

like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1.	Pawnbrokers	$ 1,000.00
2.	Junk Dealers	1,000.00
3.	Electrical Contractors	1,000.00
4.	Electric Sign Contractors and Hangers	500.00
5.	Plumbing Contractors	1,000.00
6.	Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
	Doing such work costing over $300.00	1,000.00
7.	House Movers	500.00
8.	Taxicabs	500.00

Section 5.

That whenever the word "person", is used in this ordinance, the same shall be construed to include "firms", "companies", "corporations", and associations."

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after July 1, 1965 and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after January 1, 1966, the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on business, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1965-1966, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or ille

operated, the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 495 entitled "AN ORDINANCE LEVYING, ASSESSING, IMSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, AND ENDING JUNE 30, 1965", as recorded in City of Asheville Docket 34 of the Minutes of the Proceedings of the ncil at pages 451 through 582, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City sheville, at pages 299 through 340, be and the same is hereby adopted and re-enacted and incorporated herein and e a part hereof as fully as if set out at length herein, together with all amendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided that such repeal shall in no way affect any rights heretofore acquired for the collection of any taxes heretofore due, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective July 1, 1965.

I move the adoption of the foregoing ordinance, this the 27 day of May, 1965. W. F. Algary
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted by the Council on first reading, 27 day of May, 1965, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 3 day of June, 1965, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 10 day of June, 1965, with all members of the Council voting "aye". This ordinance shall become effective 1 day of July, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Sumner discussed the North-South Expressway, and stated he was in favor of following the Wilbur Smith and Associates recommendation and objected to moving the location either to the east or west of the nine acre Urban Renewal tract as recommended by the Civic Arts Council, Inc. Councilman Algary also supported the Smith plan.

The City Manager presented the statement showing the budget position of the city for the period ending ay 31, 1965.

Mr. Cecil Jackson, Jr., on behalf of several funeral directors in the City of Asheville, requested that dinance No. 519 be amended to provide that dead bodies must be taken to a hospital by ambulance personnel unless instructed otherwise by next of kin.

This request was referred to the Corporation Counsel for study.

Mr. H. Ray Talley, representing property owners in the vicinity of Felkel Fuel Oil Company at the intersection of New Leicester Highway and Old County Home Road, appeared before the Council and objected to the construction of additional oil tanks and other construction.

The City Manager recalled that Mr. Felkel appeared before the Council on March 22, 1962 with a request for permission to add three fuel storage tanks to the present three tanks, and at said meeting this request was referred to the City Manager to see if a solution could be worked out. The City Manager pointed out that this business had been in operation for years prior to the time the property was annexed to the city in 1960, and that the business was now a non-conforming use, in which status it could continue as long as set-back requirements were met.

Mr. Talley then filed petitions signed by several property owners protesting the expanding of the facilities of the Felkel Fuel Oil Company.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, June 17, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 17, 1965, at 4:00 o'clock P. M. with Vice-Mayor J. W. Mulvaney presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Glenn Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Ambulance Service of Charlotte, Inc. advising that delays in receiving equipment from manufacturers will make it impossible to take over the service until September, and requesting that the present firms performing this service be asked to continue to do so until September 1st.

The City Manager advised that the Funeral Homes now rendering this service have been contacted, and have agreed to continue furnishing the service as requested.

A letter was received from the Redevelopment Commission of the City of Asheville requesting that the City of Asheville make additional studies to determine if the proposed North-South Expressway might be shifted either to the east or west of the proposed location so as to eliminate bisecting the Civic Redevelopment Project.

Councilman Sumner discussed the request, stating that the Redevelopment Commission was not authorized to make any commitments for the use of land, this being left to the City Council; that he thought the Commission was overstepping its authority, and this should be called to the attention of said Commission. Councilman Sumner further stated he was satisfied with the Wilbur Smith and Associates' recommendation concerning said Freeway.

Councilman Algary also discussed the matter, stating the proposed Freeway would go through the land but would not bisect it, and further he thought the land would be more valuable if the Freeway was constructed through it. Councilman Algary further stated that originally the Civic Arts Council had requested two and a half acres of land, which they were going to buy and construct a building by contributions, and now they wanted nine and a half acres of land with the purchase of property and erection of building to be financed by a bond issue.

The City Manager recalled that the Metropolitan Planning Board has been requested to review this matter, and when this report is received it will be forwarded to the State Highway Commission, together with the request of the Redevelopment Commission and the comments of the City Council.

The request of the Redevelopment Commission was accepted as information by the Council.

Councilman Morgan introduced a resolution directing that the interest of the Henderson County Board of Education in that property known as the Boiling Springs Baptist Church in Henderson County be purchased at private sale for $4300.00, as provided by the North Carolina General Assembly, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 424.

Councilman McRary introduced a resolution establishing the Asheville Coordinating Committee on Traffic Safety, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 425.

The City Manager advised that this Committee will review traffic safety problems, and that its formation will be followed shortly by organization of a Citizens Traffic Safety Council.

Councilman Algary explained the formation of a Technical Coordinating Committee to carry out joint planning for highway development in the Asheville metropolitan area, and introduced a resolution authorizing Mayor or Vice Mayor and City Clerk to execute a memorandum of understanding between the City of Asheville, Town of Biltmore Forest, Buncombe County, and the North Carolina State Highway Commission in cooperation with the United States Department of Commerce, Bureau of Public Roads, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 426.

Mr. J. L. Morgan of 23 Cloyes Street appeared before the Council and called attention to several vacant lots which are overgrown with weeds, and requested that the ordinance requiring property owners to clean up their property be enforced.

The City Manager advised that if a matter of public health or safety is involved property owners can be compelled to clean up their property, but otherwise this problem must be approached as a matter of public pride in the appearance of property, since the city cannot go on private property without due process.

Mr. Algary asked if the city had any equipment available that could be rented for this purpose.

Mr. Jack Belt, President of the Junior Chamber of Commerce, appeared before the Council requesting extension of the Civic Redevelopment Project west to include the block of buildings facing North Pack Square.

The Council was advised that the Redevelopment Commission at its meeting on May 25th had ordered a staff study of such an extension, same to include property between Market and Spruce Streets.

The matter was discussed by the Council, and the City Manager advised that the area could not be included without authority of the City Council.

Following the discussion, Councilman Algary moved that the proposal be referred to the Urban Renewal Commission for study and recommendation to the Council, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 24, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 24, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, C. E. Morgan, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager advised that local funeral homes and ambulance services in agreeing to continue ambulance service until the Charlotte Ambulance Service takes over this operation have advised that they would not be able to operate under the more stringent requirements of Ordinance #519, and it is the recommendation of the Corporation that Ordinance #519 be temporarily suspended until September 1, 1965.

Councilman Morgan then introduced Ordinance No. 521, being "AN EMERGENCY ORDINANCE DELAYING THE EFFECTIVE DATE OF ORDINANCE #519 RELATING TO THE OPERATION OF AMBULANCES WITHIN THE CITY TO SEPTEMBER 1, 1965", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney moved that the Charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Crouch, and unanimously adopted.

Ordinance No. 521, being "AN EMERGENCY ORDINANCE DELAYING THE EFFECTIVE DATE OF ORDINANCE #519 RELATING TO THE OPERATION OF AMBULANCES WITHIN THE CITY TO SEPTEMBER 1, 1965", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 521, being "AN EMERGENCY ORDINANCE DELAYING THE EFFECTIVE DATE OF ORDINANCE #519 RELATING TO THE OPERATION OF AMBULANCES WITHIN THE CITY TO SEPTEMBER 1, 1965", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 521

AN EMERGENCY ORDINANCE DELAYING THE EFFECTIVE DATE OF ORDINANCE #519 RELATING TO THE OPERATION OF AMBULANCES WITHIN THE CITY TO SEPTEMBER 1, 1965

WHEREAS, this Council has recently passed Ordinance 519, being "AN EMERGENCY ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A PUBLIC AMBULANCE SERVICE"; and

WHEREAS, the Charlotte Ambulance Service, Incorporated has advised the City Council that because of delay in acquisition of the necessary equipment to perform its contract under said ordinance it will not be able to undertake the performance of its contract on July 1st; and

WHEREAS, local funeral homes and ambulance services have indicated their willingness to continue with the

performance of this vital service without interruption until the Charlotte Ambulance Service is able to perform its contract, but the local companies have advised that they would not be able to operate under the more stringent requirements and provisions of Ordinance 519; that the continuation of ambulance service is necessary for the preservation of the health and safety of the city and the unavailability of ambulance service would create an emergency;

NOW, THEREFORE, BE IT ORDAINED, AS AN EMERGENCY MEASURE, BY THE CITY COUNCIL:

Section 1. That the operation of Ordinance 519 be and the same is hereby temporarily suspended, the same to be and become effective on September 1, 1965.

Section 2. This ordinance as an emergency measure shall become effective immediately upon its passage.

I move the adoption of the foregoing ordinance, this 24th day of June, 1965.

C. E. Morgan
COUNCILMAN

SECONDED BY:

T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 24th day of June, 1965, to become effective 24th day of June, 1965.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced a resolution appointing members of Boxing and Wrestling Commission for the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 427.

Councilman Algary introduced a resolution appointing members of Board of Electrical Examiners and Members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 428.

Councilman Crouch introduced a resolution appointing member of Recreation Board for Asheville, which was upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 429.

The City Manager announced that today is the date set for the public hearing on the proposed rezoning of the Robert P. Ingle property (Patton Avenue Extension and New Leicester Highway), Voyager Inn property fronting on Charlotte Street, between Orchard and Clayton, and all lots fronting on Grove Street between Patton Avenue and Hillia Street.

There being no objection, Councilman Mulvaney introduced Ordinance No. 522, being "AN ORDINANCE AMENDIN ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upo motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager announced that today is the date set for the public hearing on the proposed amendment to the zoning ordinance increasing from 50 square feet to 100 square feet the permitted size of signs at the front property line in Neighborhood Trading and Roadside Business Areas, such signs advertising only a business conducted or a product sold on the property in question.

Mr. Mike Dorato of Dorato Motors, Inc. on Tunnel Road spoke in favor of the size increase, and Mr. Fred P. Smith also favored the larger signs.

Councilman Algary stated he thought the Council should take a long range view of this proposal, and expressed doubt of the wisdom of permitting the larger signs at the line of highway rights-of-way. Councilman Sumner and Mayor Eller joined in this opinion.

Following the discussion, Councilman Sumner moved that action be deferred on this proposal until a further study is made, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager announced that today is the date set for the hearing on the proposed amendments in the procedure for amending the Zoning Ordinance.

Councilman Sumner moved that action be deferred on this and that it be considered at a later date, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1965-66 as prepared by the City Manager, and the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time was publication of Notice of Presentation of Budget Estimate, and suggested that the date of July 15th be set by the Council for a study of the proposed budget.

Councilman Morgan moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate and that the date of July 15th be set for a study of the budget, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Councilman Sumner pointed out that while all city property must be sold at public auction, existing policy provides for payment of a commission to a real estate agent who had interested the successful bidder in the transaction, and asked that this policy include urban renewal property sales.

The Council agreed to the extension of this policy to include urban renewal sales.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, July 1, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 1, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Al Rodgers requesting the rezoning of certain property on Deaverview Road.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance #522, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing Substitute Judge of the Police Court of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 430.

Councilman Mulvaney introduced Ordinance No. 523, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan moved that the Charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 523, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 523, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 523

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1965 to the date of the adoption of the 1965-66 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1964-65 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1965-66 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1965-66 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 1st day of July, 1965.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 1st day of July, 1965, to become effective 1st day of July, 1965.

APPROVED AS TO FORM.

O. E. Starnes, Jr
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager announced that today is the date set for the public hearing on the Site Plan for the Asheville Apartments, due notice having been published as required, and said Site Plan approval having been recommended by the Planning and Zoning Commission.

There being no objection, Councilman Sumner moved that said Site Plan be approved, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Sumner stated that it had come to his attention that a property owner in the Charlotte-Clayton Street area had been requested to pay a fee of $500.00 for the purpose of getting property rezoned, and he wanted it made clear that no fee is required for the rezoning of property.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 8, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 8, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that Lots 6, 7-1/4, and that portion of Lot 5 south of stream, Sheet 19, Ward 6, remain as now zoned, this being the change requested by Mr. Al Rodgers.

July 7, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Al Rodgers:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 6, 7-1/4, and that portion of Lot 5 south of stream, Sheet 19, Ward 6, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Mr. Al Rodgers appeared before the Council and requested that this matter be referred back to the Planning and Zoning Commission for further study, because he had additional information he wished to present to the Commission.

This request was granted by the Council.

A letter was received from the Planning and Zoning Commission recommending that Lot 2-1/2, Sheet 21, Ward 8, remain as it is now zoned, this being the request of R. L. Coleman.

July 7, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. R. L. Coleman:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 2-1/2, Sheet 21, Ward 8, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

Mr. R. L. Coleman appeared before the Council and requested that this matter be referred back to the Planning and Zoning Commission for further study, because he had additional information he wished to present to the Commission.

This request was granted by the Council.

Mr. Coleman further requested that this matter be considered at a specially called meeting of the Commission, which request was forwarded to the Commission.

Ordinance No. 522, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 522

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to

the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned COMMERCIAL DISTRICT:

Lot 4, Sheet 11, Ward 6

(2) That the following described property be zoned NEIGHBORHOOD TRADING AREA:

All property fronting on Charlotte Street and running west between Orchard and Clayton Streets to the easterly line of Orchard Place and the Westerly line of Lot 69, Ward 2, Sheet 2.

(3) That the following described property be zoned RA-M DISTRICT:

All lots fronting on Grove Street between Patton Avenue and Hilliard Street which are presently zoned RA-6 Residential District.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 24 day of June, 1965.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 8 day of July, 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised Eugene B. Blackwell, who was recently appointed as utility representative on the Board of Electrical Examiners, had been transferred to the eastern part of the state, and Lawrence A. Ray had been recommended to fill this vacancy.

Councilman Mulvaney introduced a resolution appointing member of Board of Electrical Examiners, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 431.

The City Manager advised that today is the date set for the public hearing on the proposed closing of a portion of Balsam Avenue.

R. L. Coleman and Mrs. Virginia L. Brasington, owners of the property adjoining this portion of Balsam Avenue, appeared before the Council in behalf of the request.

Councilman McRary stated that a couple of property owners on Balsam Avenue had advised him they wanted the street to remain open.

Councilman Algary suggested that a turn-around be constructed at the end of Balsam Avenue, and Mr. Coleman and Mrs. Brasington agreed to donate enough land to provide this turn-around.

Following the discussion, Councilman Algary introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Balsam Avenue located in Ward 6, Sheet 14, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 432.

Miss Fannie McCoy protested against the expenditure of tax funds for urban planning and fluoridation of the public water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 15, 1965 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, July 22, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 22, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, Robert P. Crouch, W. F. Algary, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from John W. Spicer resigning as a member of the Metropolitan Sewerage District Board.

This resignation was accepted with regret.

A letter was received from the Planning and Zoning Commission recommending that Lots 6, 7-1/4 and that portion of Lot 5, which is within 400 feet of the north margin of Deaverview Road, as now located, Sheet 19, Ward 6, be rezoned from RA-6 Residential District to Commercial District.

July 22, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a special meeting of the Asheville Planning and Zoning Commission held July 19, the following action was taken on the request of Mr. Al Rodgers:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 6, 7-1/4, and that portion of Lot 5, which is within 400' of the north margin of Deaverview Road, as now located, Sheet 19, Ward 6, be rezoned from RA-6 Residential District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

A letter was received from the Planning and Zoning Commission recommending that Lot 2-1/2, Sheet 21, Ward 8 be rezoned from RA-6 Residential District to Roadside Business Area, provided certain conditions set out in the recommendation are met by the developers and owners of the property involved.

July 22, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a special meeting of the Asheville Planning and Zoning Commission held July 19, the following action was taken on the request of Mr. R. L. Coleman

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 2-1/2, Sheet 21, Ward 8, be rezoned from RA-6 Residential District to Roadside Business Area, provided that the developers and owners of the property involved, including that property heretofore zoned Roadside Business Area belonging to the same developers and/or owners, be required to maintain inviolate a 50' buffer zone adjacent to the residential area for the entire length of said Roadside Business Area and provided further that no access road, street or alley, or any type of access, be permitted over the said 50' buffer zone from the Parkway Plaza site into the abutting residentially zoned property, and provided further that the developer comply with the requirements of the Asheville Zoning Ordinance having to do with, or in respect to, group developments, and also providing that the developer comply with existing ordinances regulating excavation of land.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:ar

Councilman McRary moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

Letters were received from Joe B. Tipton and Esther Jenkins opposing any increase in tax rate.

Councilman Morgan introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 433.

The City Manager recalled that a conference was held on the proposed budget last Thursday, at which time the budget was out of balance. The City Manager advised that in accordance with the instructions of the Council certain reductions had been made in the proposed budget, and $227,000 in income to ad valorem taxes from intangibles and certain other tax income, and that a budget in the amount of $7,979,271.65 providing for a tax increase of 31¢, or a tax rate of $1.90 per hundred dollar valuation, is presented for official consideration by the Council.

The City Manager further stated that the net increase to a city taxpayer would be 25¢ per hundred dollar valuation, since the county had been fortunate enough to make a 6¢ reduction.

Councilman Sumner stated he understood an offer of $100,000 was to be made for Rhododendron Park by Aston Park Hospital, and he thought this amount should be taken into consideration in the budget. Councilman Sumner moved that action be deferred on the budget ordinance until action had been taken on this proposal. There was no second to the motion.

Councilman Sumner then discussed the proposed budget by departments, suggesting that further reductions be made so no tax increase would be necessary.

Mr. Charles Jenkins, President of the Asheville Board of Realtors, read a resolution opposing any increase in ad valorem taxes at this time, and suggesting that additional sources of revenue be found.

Mr. Eugene Ochsenreiter asked if a letter of the Central Asheville Association had been received by the Council, and was advised that it had been received and read.

Miss Fannie McCoy spoke in opposition to any increase in taxes, to metropolitan planning, and to high water rates.

Mrs. J. R. Hare and Mr. Frank LaBar discussed their tax problems, and voiced no opposition to the proposed increase when advised how it would affect their individual properties. Mrs. Lucy Rowland also discussed taxes and water rates.

Following the discussion, Councilman Algary introduced Ordinance No. 524, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1965-66", which was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Alfred N. Salley, representing Aston Park Hospital, Inc., presented an offer to purchase from the City that property known as Rhododendron Park for the sum of $100,000, and requested that the Council take the necessary steps to effectuate the sale of the property.

Councilman Crouch asked permission to take this proposal before the Medical Association before serious consideration by the Council.

Mr. Salley advised that the majority of the staff at Aston Park Hospital had given favorable consideration to the proposal.

The City Manager suggested that a study be made by the Metropolitan Planning Board, and advised that it would be necessary to have a complete survey made, and, before any sale could be made, the property would have to be advertised once a week for four successive weeks.

Councilman Sumner stated that he did not see the necessity for any further study, that he was of the opinion that the price of $100,000 was reasonable, and he thought the property should be advertised immediately so the $100,000 could be applied to the present budget.

Mrs. Kenneth Lee and Mr. James Westall of the City of Asheville recreation Board urged that the property be continued as a recreation area.

Councilman Algary stated that park property is held in trust for that purpose, that he thought the park system should be further developed, and that this money should not be used for any other purpose.

Following the discussion, Councilman McRary moved that the proposal be referred to the City Manager for a complete study and report to the Council, which motion was seconded by Councilman Mulvaney and adopted.

Mr. Garland Smith, President of the West Asheville Business Association, presented a letter urging the sale of the property to Aston Park Hospital.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 29, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 29, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition, signed by all abutting property owners, was presented requesting the closing of a roadway which was or may have been the former location of Scenic Highway or Town Mountain Road.

This petition was referred to the City Manager for investigation and report.

Mr. Don C. Young, attorney for Hugh A. Travis, W. R. Travis, Audrey Mendez, and Lena T. Lyle, presented a claim for damages in the amount of $1000.00.

This claim was referred to the Corporation Counsel for investigation.

Miss Fannie McCoy, speaking in opposition to the increase in taxes, alleged that the Council was not complying with the provisions of the City Charter regarding Audits and publication of same.

The City Manager stated that all provisions of the City Charter are carried out, quarterly audits are made and filed with the Council, and at the end of the fiscal period a Financial Statement is published as required by the Fiscal Control Act, and that all audits are filed with the Local Government Commission.

Dr. Wayne Montgomery, on behalf of the Republican Executive Committee, presented a request that the City Council suspend readings of the proposed budget until such time as it has engaged the services of a nationally recognized auditing firm and has received a report.

Dr. Montgomery stated that the Greater Asheville Council Executive Committee did not approve the new city budget, according to his information, but only passed on a budget statement issued by Mayor Eller.

The City Manager stated he was present at the meeting of the Greater Asheville Council Executive Committee as a member thereof, and that the committee approved the budget as presented.

Councilman Sumner stated that he did not believe seven or eight men could analyze a budget in four hours; that he thought a budget should be prepared three months in advance, and any proposed increases be set out and justified in detail; that he thought the budget could be reduced; and that he didn't know what was in the budget.

Mrs. Nell Stroupe requested information on the funds necessary to fluoridate the city water supply, and protested against spending money for this purpose. Miss McCoy also joined in this protest.

The City Manager stated that the Fiscal Control Act of the State of North Carolina sets out the procedure of the city in regard to budgets, and advised that all such requirements have been carried out. The City Manager read again the statement regarding the Budget Estimate which was presented to the Council at its meeting on June 24th. The City Manager further stated that there was not and never had been an error in the budget, but an error in calculation, the $227,000 found as income not being considered in estimating the tax rate at the budget conference.

Councilman Algary stated that on July 15th the Council in an all day session went over the budget thoroughly; that he knows what is in the budget; but that possibly the Council should not have used the entire reserve of approximately $335,000 in last year's budget, and that possibly taxes should have been raised last year.

Councilman Morgan also stated that it might have been better if the tax rate had been increased two years ago and last year; but that he is satisfied with the present budget, and the present increase is necessary because it would be shortsighted to curtail services.

Following the discussion, Ordinance No. 524, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1965-66", was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Charles G. Lee, Jr., attorney for a group of business men, Robert W. Anthony, Jr., Ivey's; Donald G. Sweet and Morris Lipinsky, Bon Marche; Stan Smolen and Coleman Zageir, The Man Store; Harry Winner, Winner's Department Store; W. B. Morrison, J. C. Penney Co; Charles R. Kern, Carroll and Co; Grady G. Byrd, Jr., Belk's Department Store; T. A. Groce, Citizen's Hardware and Appliance Co.; L. S. McGee, F. W. Woolworth Co.; E. Floyd Drake, Free Service Tire and Appliance Co.; Carl J. Benfield, Winn-Dixie Stores; Maurice J. Blankenbeckler, Rose Stores; Cecil J. Murray, Lowe's Asheville Hardware Co.; T. Leon Walker, Haverty Furniture Co.; W. Fleming Talman, Talman Office Supplies, Inc.; John T. Campbell, A & P Stores; Frank Coxe, owner of Asheville properties; Dan Fowler, Wachovia Bank and Trust Co.; and Lance Fuller, Western Auto Stores; presented a proposed ordinance which would regulate retail trade on Sundays.

Mr. Lee advised that this ordinance is modeled on one adopted by the City of Charlotte and found constitutional by the State Supreme Court. Mr. Lee requested that this proposed ordinance be considered on its first reading two weeks from today.

The Council referred this proposed ordinance to the Corporation Counsel for study and report.

The City Manager presented the Audit Report of the City of Asheville Board of Alcoholic Control for the period ending June 30, 1965.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 5, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 5, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Miss Fannie McCoy again protested the increase in tax rates and fluoridating the public water supply.

Ordinance No. 524, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1965-66", was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 524

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1965-66

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1965 and ending on June 30, 1966, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 480,763.46	
Law	41,007.58	
Finance	79,493.36	
Aviation	276,677.00	
Public Safety	1,722,192.84	
Libraries	198,598.94	
Public Works	1,323,518.98	
Parks and Playgrounds	305,869.84	
Land Management	125,167.00	
Total General Operating Fund		$ 4,553,289.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,835,131.00	$ 1,835,131.00

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 712,367.00	
Water Refunding Bonds	230,000.00	
Water Bond Issue 1951	196,642.55	
Water Bond Issue 1961	267,648.10	
Airport Bond Issue 1 and 2	111,287.00	
Urban Redevelopment Bonds	72,907.00	
Total Debt Service Fund		$ 1,590,851.65
TOTAL APPROPRIATIONS		$ 7,979,271.65

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1965 and ending on June 30, 1965 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$1,668,439.00	
Other Revenues as follows:		
License & Privilege Taxes	235,300.00	
Payment in Lieu of Taxes	660,000.00	
Fees	134,200.00	
Parking Meter Fees	80,000.00	
Court Costs	87,000.00	
Rents	66,000.00	
Income from Parks	96,850.00	
Miscellaneous	129,500.00	
Contribution from State Rev. Dept.	$ 83,000.00	
Contribution from State St. Fund	300,000.00	
Contribution from Housing Authority	16,000.00	
Contribution from ABC Stores	675,000.00	
Riverside Cemetery	18,000.00	
Aviation	77,000.00	
Current Year's Poll Tax and Taxes Other than Current Year's Property Tax and Other Than Hereinbefore Itemized	227,000.00	
TOTAL GENERAL OPERATING FUND		$ 4,553,289.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,835,131.00	1,835,131.00

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 896,561.00	
Water and Other Charges from Water Department	694,290.65	
TOTAL DEBT SERVICE FUND		$ 1,590,851.65
TOTAL ESTIMATED REVENUES		$ 7,979,271.65

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1965, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	1.2359
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.6641
Total rate per $100 of valuation of taxable property	$ 1.90

such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $135,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 22 day of July, 1965.

W. F. Algary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 5 day of August, 1965, to become effective 5 day of August, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager presented an offer for the construction of a CATV system in the city made by Robert O. Hofland of Chelmsford, Mass., in which he proposes to form the Asheville Cablevision corporation and offers to enter into a licensing agreement with the city to operate such a cable television system; and, for making such license available, would pay to the city 13% of the gross revenues for the first five years of operation and 15 per cent for the remaining 15 years of a 20 year agreement, the system becoming the property of the city after 20 years. Mr. Hofland proposes a schedule of $15.00 for installation, $5.00 per month subscription, and $1.00 per month for each additional outlet on a subscriber's premises, estimating this would pay the city $15,000 at the end of the first year of operation, $75,000 a year at the end of five years, and $100,000.00 at the end of eight years.

The City Manager advised that Mr. Hofland has been given a commitment of one million dollars credit for installing such system by Kellogg Credit Corporation, a subsidiary of International Telephone and Telegraph Corporation of New York City, until November 1, 1965.

The City Manager stated he would be glad to communicate further with Mr. Hofland and ask that he prepare the necessary draft of a license lease agreement which he thought necessary to carry out this service; and that he would advise other interested parties that the city expects to enter into this agreement unless a better offer is made.

The Council authorized the City Manager to proceed along this line.

UPPOSING
TION

Miss McCoy presented petitions signed by a number of residents of the Black Mountain section of Buncombe County protesting the use of any chemicals in the water supply other than chlorine.

Mrs. E. V. Guilka of 82 Merrimon Avenue presented a complaint that trucks are using Merrimon Avenue instead of the city truck route.

The Director of Public Safety advised that the police are making arrests for this violation, and will step up their efforts.

Mrs. Guilka also complained of the condition of a vacant building on Merrimon Avenue near her property, and was advised that an investigation will be made immediately by the Housing Inspectors.

Mr. E. S. Koon of the Asheville Garden Club advised the Council of the efforts being made by members of the Garden Club to help keep the city clean, and criticized trash accumulations behind stores in the central business district and the failure of the Sanitary Department trucks to collect all piles of of brush and yard trimmings daily in residential areas. Mrs. Koon also asked that the city ordinance regulating trash collections be modernized.

Mrs. William T. Hodge of the Garden Club joined Mrs. Koon in the request for improved trash collection.

The City Manager advised that trucks pick up all business district trash in the morning, but litter accumulates during the day, and that there isn't enough of the yard trimmings to justify the cost of picking this up daily. The City Manager further advised that the fee for collecting yard trimmings is enforced only against contractors with large amounts of rubbish to be moved.

The City Manager further stated the solution of the litter problem requires the creation of pride among merchants and home owners to keep their properties neat, and that where private property is concerned, legal action can be taken only if there is a health or safety hazard. The City Manager thanked Mrs. Koon and the members of the Graden Club for their efforts.

Mr. Algary stated he did not think any trash should be burned because this would be a detriment to the Smoke Abatement program.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 12, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 12, 1965, at 4:00 o'clock P. M. with Mayor E. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, P. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of the plat of "Happy Valley, Section Two".

August 12, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Happy Valley, Section Two" prepared by Carter and Bearden, Engineers, and dated May 28, 1965, shows the subdivision of land in the Haw Creek Section.

The above described plat was reviewed by the Planning and Zoning Commission at its regular meeting held April 7, 1965, and was given preliminary approval.

It is recommended that this plat be given your final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of "Knollwood, Section Two".

August 12, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Knollwood, Section Two" prepared by Hollowell, Borum and Associates, and dated May, 1965, shows the subdivision of land off Patton Avenue.

The above described plat was reviewed by the Planning and Zoning Commission on February 5, 1964 and was given preliminary approval.

It is recommended that this plat be given your final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the approval of the plat of "Property of Elmer Carter", and the granting of a variance on the street grade restriction on Crabapple Lane.

August 12, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Property of Elmer Carter" prepared by Carter and Bearden, Engineers, and dated July, 1965, shows the subdivision of land in the Beaverdam Valley Section.

The Planning and Zoning Commission reviewed the plat at its regular meeting on August 4, 1965, and gave preliminary approval subject to the showing of a deed reference to an adjacent land owner and granting a variance on the street grade restriction on Crabapple Lane.

It is recommended that this variance be granted and the plat given your final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Morgan moved that the plat entitled "Happy Valley, Section", the plat entitled "Knollwood, Section Two", and the plat of "Property of Elmer Carter" be approved by the Council, and that a variance on the street grade restriction on Crabapple Lane on the plat of "Property of Elmer Carter" be granted, all in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman McRary and unanimously adopted.

A request was received from adjacent property owners that Alto Avenue east of Rich Avenue to Vista Street be closed.

This request was referred to the City Manager for investigation and report.

A letter was received from the Metropolitan Planning Board recommending that the proposed Valley-Central route for the North-South Expressway be approved, and that engineers give further study to the northern sector (from Madison Avenue north) in order to utilize the stream bed, take fewer houses, and allow Claxton School room for expansion.

August 11, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the request of City Council, the Metropolitan Planning Board has given considerable study to the location of the North-South Expressway as proposed by Wilbur Smith and Associates.

The Metropolitan Planning Board met today and after a committee report and discussion, the Board voted unanimously to recommend to City Council that -

the proposed Valley-Central route for the North-South Expressway be approved; and

that engineers give further study to the northern sector (from Madison Avenue north) in order to utilize the stream bed, take fewer houses, and allow Claxton School room for expansion.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr

A petition signed by owners of various business establishments on Tunnel Road was received, requesting that no left turn signs be placed from intersection #74 to Beaucatcher Tunnel on both sides of the street, between the hours of 4 p. m. and 6 p. m., except for trip lights at White Pine Drive, Kenilworth Road and Tunnel Road Shop-

ping Center, and recommending that a fifth lane be constructed on the west side of Tunnel making 2-way traffic in both directions and using the center strip as a left lane going towards the Tunnel.

The City Manager advised that this request would have to be cleared with the State Highway Commission, and further that he had conferred with State Highway Commission officials in Raleigh on Monday and the addition of a fifth lane is being given immediate study by the Commission.

Councilman Algary stressed the need for an additional tunnel, and Councilman Crouch suggested that the Council go on record requesting immediate development of this tunnel.

The City Manager suggested that this be done in the form of a well-planned resolution to be brought before the Council next week, and the Corporation Counsel was requested to prepare such resolution.

The City Manager advised that today is the date set for a public hearing on the proposed rezoning of certain property on Deaverview Road at the request of Al Rodgers, and certain property on Tunnel Road at the request of R. L. Coleman.

There being no opposition, Councilman Algary introduced Ordinance #525, "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that all those submitting applications for a CATV license had been notified of the offer made by Robert O. Hofland, and that a reply had been received from Reeves Broadcasting Company offering the city thirty per cent of stock of a proposed company, but he would not recommend acceptance of this offer.

Mr. Morton S. Cohn, general manager of WLOS-TV, was present and was advised that the Council will consider this matter next week, and entertain any better propositions than the Hofland offer.

The City Manager advised that plans and specifications for construction of the Cedar Street Bridge over the Southern Railway at the eastern entrance to Saylves Village have been prepared, and requested permission to advertise for bids.

Councilman Mulvaney introduced a resolution authorizing City Manager to advertise for bids for construction work for the Cedar Street Bridge over Southern Railway at the eastern entrance to Sayles Village, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 434.

Councilman Morgan introduced a resolution electing members of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 435.

The City Manager advised that any amendment to the Master Highway Transportation Plan for the Asheville Metropolitan Area must be approved by the Council and the State Highway Commission.

Councilman McRary introduced a resolution approving traffic study of the Valley-Central Areas, as prepared by Wilbur Smith and Associates, and recommending the adoption of said plan to the State Highway Commission, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 436.

The City Manager advised that an investigation had been made into the request to close the former location of the Scenic Highway or Town Mountain Road, and it was discovered that this street is NC 694 and is in use as a public street and the request to close same cannot be granted.

Miss McCoy protested the inclusion of certain items in the budget, and attacked city planning, urban renewal and zoning as communistic.

Councilman Algary stated that two weeks ago a group of merchants had presented a proposed Sunday closing law, and he thought said ordinance should be considered today. Councilman Algary further stated that the existing law is unreasonable and should be repealed.

The Corporation Counsel advised that he had studied the proposed ordinance, that it is much broader than the existing law, and he believed it would be found constitutional if tested. The Corporation Counsel further advised that this ordinance is copied from a Charlotte ordinance which had been ruled constitutional, but which was repealed three weeks afterwards because of widespread public opposition.

Mr. Charles G. Lee, attorney for the group of merchants supporting the new ordinance, spoke in favor of same. Also speaking in favor of the proposed law were Dr. Embree H. Blackard, Superintendent of the Asheville District of the Methodist Church; the Reverend Nane Starnes, pastor of West Asheville Baptist Church; the Reverend Walter Miller, pastor of Central Methodist Church; Mr. Curtis Dolan; and Miss Fannie McCoy.

The Reverend Gene F. Cherry, pastor of the Foster Memorial Seventh Day Adventist Church, protested that a Sunday closing law discriminates against the Seventh Day Adventists, and was supported in his contention by Dr. L. C. Waller and Roy Slate.

Councilman Crouch suggested that the word "foodstuffs"be stricken from the proposed ordinance, which suggestion was concurred by the Council.

Councilman Sumner suggested that stores be closed one day out of seven; that action on this matter be postponed, and that it should be handled by the legislature on a state-wide basis.

The City Manager advised that the present Sunday law has not been enforced because of lack of public support, and that any citizen could take out a citizen's warrant against an illegal Sunday operation.

Following the discussion, Councilman Algary introduced Ordinance No. 526, being "AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED 'SUNDAY BUSINESS'", which was, upon motion of Councilman Algary, seconded by Councilman Morgan, passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. T. T. Freck of Freck Radio and TV Co., John F. Rietz of WSPA-TV of Spartanburg, Frazer Lyon of Finney Antenna Co. of Bedford, Ohio, and Joe Lewis of Channelmaster Corporation, appeared before the Council to protest the granting of any license for CATV in Asheville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, August 19, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 19, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Clyde Munn requesting that certain property in Haw Creek as shown on plat be annexed.

This request was referred to the City Manager for investigation.

A letter was received from the Unity Center of Asheville, Inc. requesting that its property on McDowell Street be rezoned.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Letters were received from the Committee on Support of Churches in Their Spiritual Aims of the Asheville Kiwanis Club, and the Asheville Ministers' Wives Association in favor of the proposed Sunday closing ordinance; and from Dr. Harold D. Schutte, Mrs. Frances N. Mosseller, Jim Crawford and Harry Blomberg opposing said ordinance.

Ordinance No. 525, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE

CHAPTER 18 OF THE CITY OF ASHEVILLE', AS AMENDED', was, upon motion of Councilman Algary, seconded by Councilman [illegible], passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morgan voted "aye"
Councilman Mulvaney voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Mr. Charles G. Lee, Jr., attorney for the merchants supporting the Sunday closing ordinance, requested that the word "foodstuffs" be restored to said ordinance.

Following a discussion Councilman Algary moved that the word "foodstuffs" be reinstated in Ordinance #526, which motion was seconded by Councilman Morgan and adopted.

Mr. Harry DuMont, attorney for Citizens for a Progressive Asheville, spoke in opposition to the passage of the Sunday closing ordinance. Also speaking against said Ordinance were the Reverend P. F. DeSaix, rector of the Episcopal Church of the Redeemer; Dr. L. C. Waller, the Reverend Gene F. Cherry, pastor of Foster Memorial Seventh Day Adventist Church; Wayne Martin; Mrs. Harold Schutte; Otto Hahn; Kendall Abbott; Charles Smith; Roy Slate; and Mr. Roy Trantham, who discussed the inclusion of "Foodstuffs". Mr. DuMont presented petitions bearing some 9,963 signatures opposing said ordinance, and requested that further action be delayed on the ordinance until a study had been made.

Speaking in favor of the passage of said ordinance were Mr. Charles G. Lee, Jr., the Reverend Nane Sears, the Reverend Walter Miller, Dr. Embree Blackard, and the Reverend Robert T. Young.

Councilman Sumner suggested that a new ordinance be drawn closing all businesses one day a week, and made this in the form of a motion. There was no second.

Following the discussion, Ordinance 526, being "AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED 'SUNDAY BUSINESS'", as amended at this meeting, was, upon motion of Councilman Algary, seconded by Councilman Morgan, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "nay"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Crouch introduced a resolution urging immediate construction of a second tunnel through Beacatcher Mountain, which was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 437.

The City Manager stated that the attorney for Robert O. Hofland had advised that the rough draft of the agreement concerning a CATV system in Asheville is not ready for presentation today; the City Manager repeated the terms offered by Mr. Hofland, and advised that said agreement would provide that pay TV is not permitted under any circumstances, and that all FCC regulations are required to be complied with at all times. The City Manager advised that no further proposals had been received.

Mr. William Orr, attorney for Harold H. Thoms, presented a bid for a twenty year CATV permit in Asheville based on paving the city 16 per cent of the gross income for the first five years, 18 per cent for the remaining 15 years, with the facility becoming city property after 20 years, and further that he would pay 20 per cent of net profits yearly as a donation to Asheville Orthopedic Hospital and another 20 per cent of net profits each year to the United Fund of Asheville and Buncombe County, and further that the bid would meet the $5 monthly fee and $15 installation fee proposed by Robert O. Hofland.

Mr. Morton S. Cohn, general Manager of WLOS-TV was present and indicated that his firm may also be interested in submitting a bid.

Miss McCoy read a letter opposing the granting of a CATV permit in the city.

Mr. T. T. Freck and Freck Radio and TV Co., representing TV radio and supply firms in Asheville, submitted a petition asking the Council to delay granting any CATV permit until control regulations by the Federal Communications Commission have been completed.

Following the discussion the City Manager suggested that a cut-off date for receiving new offers be set.

Councilman Algary then moved that no proposals be considered after the close of business on September 1, 1965, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager was requested to confer with the Corporation Counsel to see if arrangements could be made for receiving sealed bids on that date.

Miss Fannie McCoy presented a request that the water supply be not fluoridated, alleging the ruling of

the ruling of the North Carolina Supreme Court had been disregarded.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Gunnells
CITY CLERK

Thursday, August 26, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 26, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from J. D. Baker and wife requesting that their property on Governor's View Road be rezoned.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Wilburn Associates, Inc. offering to purchase certain property on Fanning Bridge Road for the sum of $16,000.00.

The matter was discussed by the Council, Councilman Sumner expressing the opinion that the offer was too low.

Following the discussion, Councilman Algary moved that the Corporation Counsel be instructed to prepare a resolution authorizing the City Manager to advertise this property for public sale, which motion was seconded by Councilman Crouch and adopted.

Ordinance No. 525, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 525

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned COMMERCIAL DISTRICT:

Lots 6, 7-1/4, and that portion of Lot 5, which is within 400 feet of the north margin of Deaverview Road, as now located, Sheet 19, Ward 6

(2) That the following described property be zoned ROADSIDE BUSINESS AREA:

Lot 2-1/2, Sheet 21, Ward 8

PROVIDED, that the developers and owners of the property involved, including that property heretofore zoned Roadside Business Area belonging to the same developers and/or owners, be required to maintain inviolate a 50 foot buffer zone adjacent to the residential area for the entire length of said Roadside Business area, and PROVIDED FURTHER that no access road, street or alley, or any type of access, be permitted over the said 50 foot buffer zone from the Parkway Plaza site into the abutting residentially zoned property, and PROVIDED FURTHER that the developer comply with the requirements of the Asheville Zoning Ordinance having to do with, or in respect to, group developments, and also providing that the developer comply with existing ordinances regulating excavation of land.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 12 day of August, 1965.

W. F. Algary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 26 day of August, 1965, to become effective 10 day of September, 1965.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Opposition to the proposed Sunday closing ordinance was again expressed by Dr. L. C. Waller, the Rever[end] Gene Cherry. Also speaking were H. J. Pomfrey and Kendall Abbott.

Mr. Charles C. Lee, representing supporters of the ordinance, asked for a further amendment on permitt[ed] sales of expanding the phrase "hygienic supplies" to include "articles for sanitary purposes and health aids."

No member of the City Council offered to present this amendment.

Mr. Harry DuMont again spoke in opposition to the ordinance, and requested that the final reading be d[e]ferred for one week.

Councilman Morgan stated that the ordinance should be voted on without any further amendments, and that in passing the ordinance the people will have an opportunity to call for a vote on it.

Following the discussion, Ordinance No. 526, being "AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED 'SUNDAY BUSINESS'", was, upon motion of Councilman Algary, seconded by Councilman Morgan, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 526

AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "SUNDAY BUSINESS".

WHEREAS, the entire civilized world recognizes periodic cessation from labor as essential to the physical and moral well-being of society; and

WHEREAS, it is in the interest of the public health, morals, order, safety and general welfare of the citizens of the City of Asheville, North Carolina, that a uniform day of rest insofar as practical be observed, and thus the general welfare will be advanced, labor protected, and the moral and physical well-being of society promoted;

NOW, THEREFORE, be it ordained by the City Council of the City of Asheville as follows:

Chapter 18, Section 19 is hereby amended by deleting the same in its entirety as it now reads and by substituting in lieu thereof the following:

"Section 18-19 It shall be unlawful to conduct, operate or engage in or carry on within the City of Asheville on Sunday any business except hotels; motels; boarding houses; cafes; restaurants; drug stores furnishing medical, hygenic or surgical supplies, cosmetics, food-stuffs, beverages, tobacco products, books, newspapers and magazines only; food stores furnishing hygenic supplies, cosmetics, food-stuffs, beverages, tobacco products, books, newspapers and magazines only; newspapers and the sale thereof; emergency repair service; public utilities (including street railways, electric, gas, telephone, telegraph, railroads, buses); radio and television broadcasting; trucks; taxicabs; gasoline service stations; refrigeration; dairy products; bakeries; magazine stands; ice and the sale thereof; shoe-shine parlors; coin-operated laundries and dry cleaners; coin-operated laundries and dry cleaners; coin-operated vending machines: and amusements, shows, games, sports and sporting events; real estate dealers; funeral directors; and florists; provided, however, that it shall be unlawful to operate, stage, or put on any amusement, show, game, sport or sporting event, where a fee is charged for admission as a spectator, within the City of Asheville, on Sunday prior to One O'clock P. M., Eastern Standard Time, except that this Section 19 of Chapter 18 shall not apply to any amusement, show, game, sport, or sporting event that is or may be in progress at Saturday midnight.

This Ordinance shall be in full force and effect fifteen days from the date of final passage."

I move the adoption of the foregoing ordinance.

W. F. Algary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 26 day of August, 1965.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Algary stated that some six million dollars in State Highway Commission funds had been appropriated for completion of the Weaverville by-pass, and that the Weaverville Bypass had been included in an Appalachian Act development highway northwest to Ohio. Councilman Algary further stated that since this money had been appropriated for this area, it should be spent in this area and not put back into the general fund, and that a determined effort should be made to have it allocated to the construction of the second tunnel through Beaucatcher Mountain.

The City Manager pointed out that the Weaverville Bypass construction is on the basis of 50 per cent federal and 50 per cent state matching funds, but that the Appalachian Act highway would be on a 70 per cent federal basis.

Following the discussion, the City Manager was requested to contact the Highway Commission and develop information on this.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 2, 1965 - 4:00 o'clock P. M.

Because of the lack of a quorum no meeting of the City Council was held on the above date.

CITY CLERK

Thursday, September 9, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 9, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Lakeshore Garden Apartments".

September 9, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached site plan entitled "Lakeshore Garden Apartments" prepared by Lawrence J. Traber, Architect, and dated July, 1965, shows a proposed group development between Lakeshore Drive and Merrimon Avenue.

The Asheville Planning and Zoning Commission at its regular meeting on September 1 gave this plat preliminary approval subject to two modifications -

1. Elimination of parking area directly abutting Lakeshore Drive.

2. Elimination of the tight 90% turn in the north entrance driveway.

The site plan has now been modified to include these changes. It is recommended that this site plan be given your final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood,
Executive Director

RMY:nr
Encl:

Councilman McRary moved that the plat entitled "Lakeshore Garden Apartments" be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Crouch and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of the property of the Unity Center on McDowell Street.

September 1, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Miss V. M. Hoffman, Minister of the Unity Center of Asheville:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond,
Secretary

AR:nr
Encl:

[illegible] accepted as information by the Council, it being suggested also that the zoning of this [illegible] be explored.

A letter was received from the City of Asheville Board of Alcoholic Control advising that due to increased conditions in the area on Market Street it had become necessary to find a location with larger and more suitable facilities for warehouse, store and office, and requesting authority and approval by the City Council of a plan to lease a new building to be erected at the corner of Broadway and Cherry, said building to be erected by William Vencill and the property to be leased to the Board as lessee planned for January 1, 1966.

There was a discussion by the Council, after which Councilman Algary moved that the proposed location be approved by the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Petitions signed by some 2,542 voters were received requesting that the Council pass a proposed ordinance controlling dogs within the city or submit same to the qualified voters at an election provided for in the City Charter.

No action was taken by the Council on the passage of this ordinance; and the petitions were referred to the Municipal Board of Elections to determine whether or not same are signed by the requisite number of qualified voters, report to be made to the Council within ten days, the motion being made by Councilman Morgan, seconded by Councilman Mulvaney and unanimously adopted.

Councilman Morgan introduced a resolution authorizing City Manager to advertise for public sale certain property on Running Ridge Road, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Councilman Sumner again stated he thought the offer by Wilburn Associates was too low.

Complete copy of resolution will be found in Resolution Book 4 at page 438.

Councilman Sumner introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 439.

Councilman Crouch introduced a resolution authorizing City Manager to issue a Certificate of Public Convenience and Necessity to Ambulance Service of Asheville, Inc. to operate a public ambulance service in the City of Asheville under Ordinance No. 519, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 440.

The City Manager advised that the Ambulance Service of Asheville, Inc. will commence service in Asheville on Friday morning, September 10, 1965, at 8:00 A. M. Headquarters for the company will be at 384 Merrimon Avenue. The telephone number is 254-3537, with three trunk lines serving and a direct line to the Police Department, and a two-way radio communication system. Mr. Kim Ashley is Manager of this company and resides in an upstairs apartment at the company's headquarters on Merrimon Avenue. It is further pointed out that all drivers have completed an intensive training course, and that drivers are provided with sleeping quarters at the company's location at 384 Merrimon Avenue.

Councilman Algary introduced a resolution authorizing City Manager to advertise for bids for strengthening runway, taxiways and apron at Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 441.

The City Manager advised that it will be necessary to enter into a Grant Agreement with the Federal Government in connection with this improvement; and that at the meeting of the Council held on September 30th he will make an announcement of the exact days and schedule for closing down the airport for this work.

The City Manager presented the bids which were received for the construction of the Cedar Street Bridge over the Southern Railway at the eastern entrance to Sayles Village; and recommendation of Register and Cummings, Engineers for the awarding of contract:

Bowers Construction Co.	$54,500
W. B. Dillard Construction Co.	49,700
Wilson Construction Co.	54,500
Blue Ridge Structure Co.	48,000

Councilman Mulvaney introduced a resolution awarding contract for construction of Cedar Street Bridge over Southern Railway at the eastern entrance to Sayles Village, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 442.

The City Manager advised that the city will finance this construction until the final cost is determined, then institute proceedings against Dan Manufacturing Company to recover these funds.

The City Manager advised that petitions have been received for the paving on William Street, Cub Road, Cub Place, Kirby Place and McClain Street, and, in order to establish a lien on all abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Mulvaney introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on William Street, Cub Road, Cub Place, Kirby Place and McClain Street, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 443.

Councilman McRary introduced a resolution authorizing City Manager to advertise for bids for construction of for a five hundred thousand gallon water reservoir to be known as "Young Mountain Reservoir", which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 444.

The City Manager presented the Audit of the City of Asheville for the period ending June 30, 1965.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1965.

The City Manager presented the Annual Report of the City of Asheville Libraries.

The City Manager recalled that a few weeks ago the Council received from Aston Park Hospital an offer for the Rhododendron Park property, which offer had been referred to his office. The City Manager advised that he had written the North Carolina Medical Care Commission in regard to this, and had received a reply from said Commission advising that there are many problems involved in making a decision regarding the matter and stating that a cooperative study of hospital problems within the Buncombe County area in which all hospitals would participate would be very helpful to the Commission and other agencies in dispensing any future funds for which the Asheville area would have priority.

The City Manager then presented a prepared statement for consideration:

"In order to meet the growing demand for hospital needs in the Asheville, Buncombe County and Western North Carolina area, it is concluded that the highest and best use for the Rhododendron Park property is to make it available to the Aston Park Hospital authorities under the conditions contained in the offer made a few weeks ago, it to be understood that the $100,000 the city would receive from this property be held in escrow for the future development of an adequate park system to serve the area west of the French Broad River. In light of the communication received, dated August 27th, from William F. Henderson, Executive Secretary to the North Carolina Medical Care Commission, this Council formally requests that the Community Cooperative Study of Hospital Problems Within the Buncombe County Area be made and submitted to this Council and the public on or before December 1, 1965; and that the transfer of the Rhododendron Park property be made to the Aston Park Hospital authorities providing the above study supports the need."

The City Manager advised that if the Council concurs, the matter will be referred to the Buncombe County Planning Council for such study, with the suggestion that every effort be made to meet the deadline of December 1st.

Councilman Sumner moved that the City Manager be instructed to so proceed, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mr. Harry DuMont, attorney, presented petitions signed by some 4,668 voters requesting the repeal of Ordinance #[illegible] entitled 'AN ORDINANCE AMENDING CHAPTER 18, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED SUNDAY BUSINESS'", or the submission of same to the qualified voters at an election as provided in the City Charter.

No action was taken by the Council on the repeal of this ordinance; and the petitions were referred to the Municipal Board of Elections to determine whether or not same are signed by the requisite number of qualified voters, report to be made to the Council within ten days, the motion being made by Councilman Morgan, seconded by Councilman Mulvaney, and unanimously adopted.

The City Manager advised that the Municipal Board of Elections had obtained from the Attorney General's of-

[illegible] that a special election may be held on the same day as the [illegible] Road Bond Election which is set for November 2nd.

Mr. I. W. Haney, speaking for other residents near intersection of Governor's View Road with the [illegible], requested information regarding the J. A. Baker request for rezoning of certain lots [illegible].

The City Manager advised that this matter had been referred to the Planning and Zoning Commission for study and recommendation, and that said Commission would hold a hearing on the matter and make a report to the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 16, 1965 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, September 16, 1965 at 4:00 o'clock P. M. with the Mayor, presiding. Present: Councilmen W. T. Algary, C. E. Morgan, J. W. McRary, Robert P. Crouch, E. W. [illegible], City Manager Wilton Hyde, and Corporation Counsel O. E. Starner, Jr.

The minutes of the previous meeting, were read and approved.

A petition was presented from Blue Ridge Supply Company of Asheville, Inc. requesting the rezoning of Lot [illegible], Block 2, [illegible].

The request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received requesting the closing of an unopened section of [illegible] Road.

The City Manager advised that it would be necessary to prepare a metes and bounds description of the property in question prior to the adoption of a resolution providing for a public hearing on the matter.

Councilman Morgan moved that the matter be referred to the City Manager for preparation of the [illegible] and that action be withheld pending receipt of the same. The motion was seconded by Councilman McRary and unanimously adopted.

The City Manager recalled that the Council had previously received a request to close a portion of the former location of Main Street in Montreat Road and that the request had been denied. The City Manager advised that the petition had been amended to include the words "but not to include any portion of State Highway 694 right-of-way" and recommended that a public hearing be held on the matter.

Following a discussion, Councilman McRaney introduced a resolution providing for a public hearing on the request to close and abandon any public interest in a public right-of-way on a tract of land previously owned by Mr. [illegible] south of the Seal Castle Tract and further described as being in Ward 2, Sheet 13, which was, upon motion of Councilman McRaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 445.

A letter was received from the Chairman of the City Board of Elections certifying the sufficiency of the petitions regarding the control of dogs.

CITY BOARD OF ELECTIONS
Asheville, N. C.

September 16, 1965

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

This is to advise that on Friday, September 10, 1965 petitions requesting the Council to pass an ordinance regarding the control of dogs, or submit said ordinance to the voters of the City at an election to be held for that purpose, were filed with the City Board of Elections.

The Board of Elections has caused said petitions to be checked and verified, and hereby certifies that said petitions are sufficient, according to Article 12 of the Charter of the City of Asheville, based upon the following facts as determined by this Board:

1. The total number of all votes cast for members of the City Council at the next preceding municipal election was 87,957.

2. The total number of registered and qualified voters of the city required is fifteen per cent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election, or 1,884.

3. The total number of registered and qualified voters of the city verified is 2125, which is in excess of the number required by the Charter.

Respectfully submitted,

S/ Edison Hill
Chairman, City Board of
Elections

A letter was received from the Chairman of the City Board of Elections certifying the sufficiency of petitions requesting the repeal of Ordinance #526, Sunday Closing Ordinance.

CITY BOARD OF ELECTIONS
Asheville, N. C.

September [illegible], 1965

[illegible] Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

This is to advise that on Friday, September 10, 1965 petitions requesting the repeal of Ordinance #526 (An Ordinance Amending Chapter 18, Section 19, of the Code of Ordinances of the City of Asheville, entitled "Sunday Business"), or if same is not repealed that the Council submit to the voters of the City the question of the repeal of such Ordinance at an election to be held for that purpose, were filed with the City Board of Elections.

The Board of Elections has caused said petitions to be checked and verified, and hereby certifies that said petitions are sufficient, according to Article 12 of the Charter of the City of Asheville, based upon the following facts as determined by this Board:

1. The total number of all votes cast for members of the City Council at the next preceding municipal election was 87,957.

2. The total number of registered and qualified voters of the city required is fifteen per cent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election, or 1,884.

3. The total number of registered and qualified voters of the city verified is 2167, which is in excess of the number required by the Charter.

Respectfully submitted,

S/ Edison Hill
Chairman, City Board of
Elections

Following a discussion, Councilman Algary moved that an election on the proposed ordinance regarding the control of dogs and on the repeal of Ordinance #526 (Sunday closing) be set for November 2, 1965, and that the County Board of Elections be requested to hold said election at the same time as the State Road Bond Election, which motion was seconded by Councilman Crouch and unanimously adopted.

The City Manager advised that the Corporation Counsel and Chairman of the City Board of Elections will prepare these questions for the voting machines.

The City Manager presented the Audit Report for the Board of Tax Supervision for the period ending June [illegible], 1965.

The City Manager presented the Audit Report for the Sinking Fund Commission for Buncombe County for the period ending June 30, 1965.

The City Manager reported on the activities at Bee Tree Fishing Lake, advising that $6,097.80 in revenues were collected during the April to September season for fishing permits, boat and motor rentals and parking fees, that a total of 4,920 permits were issued, and 5,834 trout were caught.

Miss Fannie McCoy requested information regarding the Young Mountain Reservoir, and protested against the fluoridation of the water supply which is now in effect.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

September 23, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 23, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Algary discussed the question of possible confusion in the scheduled November 2nd voting on a referendum on the repeal of the city's recently enacted Sunday closing law and a second referendum on the enactment of a proposed dog control ordinance, stating that since one referendum is on a question of repeal and the other on an enactment many voters will be uncertain as to the effect of their votes. He stated he was of the opinion the referendum questions on the voting machines should be phrased so that in each referendum the voter would know that he is voting for the ordinance or against the ordinance.

The City Manager advised of the Charter provisions concerning such referendums, and that the phrasing of the questions is up to the City Board of Elections and the Corporation Counsel. The Corporation Counsel was requested to see if the questions can be phrased as Councilman Algary suggested.

A letter was received from the First Union National Bank, administrator of the Estate of R. W. Johnson, requesting the rezoning of Lots 45 and 46, Sheet 11, Ward 8.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager presented the bids which were received for strengthening runway, taxiways and apron at the Asheville Airport, and recommendation of John Talbert & Associates, Inc., Consulting Engineers for awarding of contract:

Asheville Paving Co.	$269,066.90
Rea Construction Co.	319,712.85
Midstate Contractors, Inc.	319,768.40
Warren Brothers Co.	253,174.90

Councilman Morgan introduced a resolution awarding contract for strengthening runway, taxiways and apron at Asheville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 446

Councilman Algary introduced a resolution appointing member to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 447.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 30, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 30, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Robert P. Crouch, F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Humble Oil & Refining Company requesting the rezoning of Lot 192, Sheet 13, Ward 8. This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that a Grant Agreement with the Federal Aviation Agency had been prepared under which the city would receive $145,635 for the purpose of strengthening the runway, taxiways and apron at the Asheville Airport.

The following Resolution was introduced by C. E. Morgan, seconded, Frank Mulvaney, read in full, considered and adopted.

Resolution accepting the Grant Offer dated September 28, 1965 made by the Administrator of Federal Aviation Agency on behalf of the United States of America to the City of Asheville, North Carolina in the sum not to exceed $145,635 as an aid in the development of the Asheville Airport.

Be it Resolved by the City Council of Asheville, N. C.

Section 1. That the City of Asheville, N. C. hereby accepts, on its own behalf, the offer of a grant of funds made by the Administrator of Federal Aviation Agency on behalf of the United States of America dated September 28, 1965 to the City of Asheville, N. C., in the sum, for the purposes and subject to the conditions set forth below and also specifically ratifies and adopts all representations, and agreements contained in the Project Application referred to therein.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of the Grant Offer in quintuple on behalf of the City of Asheville, North Carolina and Margaret Simmons, the City Clerk is hereby authorized and directed to impress the official seal of the City of Asheville, North Carolina and to attest said execution.

Section 3. That the Grant Offer referred to herein above is as follows and when accepted shall constitute the Grant Agreement.

Federal Aviation Agency
GRANT AGREEMENT
Part 1-Offer

Date of Offer September 28, 1965
Asheville Airport

Project No. 9-31-024-C606
Contract No. FA-66-SO-4192

TO: The City of Asheville, North Carolina
(herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Agency, herein referred to as the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated September 14, 1965, for a grant of Federal funds for a project for development of the Asheville Airport (herein called the "Airport"), together with plans and specifications for such project, which Project Application, as approved by the FAA is hereby incorporated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for development of the Airport (herein called the "Project") consisting of the following-described airport development:

Strengthen and mark Runway 16/34, taxiways, and air carrier apron, widen fillets; apply seal coat to portion of air carrier apron.

all as more particularly described in the plans and specifications approved by Chief, Airports District Office on September 14, 1965.

NOW, THEREFORE, pursuant to and for the purpose of carrying out the provisions of the Federal Airport Act, as amended (49 U.S.C. 1101), and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application, and its acceptance of this Offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the Airport as herein provided, THE FEDERAL AVIATION AGENCY, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES TO pay, as the United States share of the allowable costs incurred in accomplishing the Project, fifty per cent (50%) of said allowable costs except that the sum of $5,365.50 will be deducted from the final payment as reimbursement of the Federal share of airport land previously transferred for other purposes.

This Offer is made on and subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be $145,635

2. The Sponsor shall:

(a) begin accomplishment of the Project within Sixty (60) days after acceptance of this Offer or such longer time as may be prescribed by the FAA, with failure to do so constituting just cause for termination of the obligations of the United States hereunder by the FAA;

(b) Carry out and complete the Project without undue delay and in accordance with the terms hereof, the Federal Airport Act, and Sections 151.45-151.55 of the Regulations of the Federal Aviation Agency (14 CFR 151) in effect as of the date of acceptance of this Offer; which Regulations are hereinafter referred to as the "Regulations";

(c) carry out and complete the Project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or modified with the approval of the FAA.

3. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under Section 151.41(b) of the Regulations.

4. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of Sections 151.57-151.63 of the Regulations. Final determination as to the allowability of the costs of the project will be made at the time of the final grant payment pursuant to Section 151.63 of the Regulations: Provided, that in the event a semi-final grant payment is made pursuant to Section 151.63 of the Regulations, final determination as to the allowability of those costs to which such semi-final payment relates will be made at the time of such semi-final payment.

5. The Sponsor shall operate and maintain the Airport as Provided in the Project Application incorporated herein and specifically covenants and agrees, in accordance with its Assurance 4 in Part III of said Project Application, that in its operation and the operation of all facilities thereof, neither it nor any person or organization occupying space or facilities thereon will discriminate against any person or class of persons by reason of race, color, creed or national origin in the use of any of the facilities provided for the public on the airport.

6. The FAA reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any part of the costs of the Project unless this Offer has been accepted by the Sponsor on or before November 5, 1965 or such subsequent date as may be prescribed in writing by the FAA.

8. In addition the Sponsor shall:

(a) Incorporate or cause to be incorporated in each advertisement for bids and each contract for construction work under the Project, or any modification thereof, the equal opportunity clause incorporated by reference in Section 151.54 of the Federal Aviation Regulations and as set forth in Section 60-1.3(b)(1) of the regulations of the President's Committee on Equal Employment Opportunity (41 CFR 60-1);

(b) Incorporate or cause to be incorporated in each advertisement for bids or proposal for construction work under the Project the provisions prescribed by Section 151.54(d)(1) of the Regulations;

(c) Be bound by said equal opportunity clause in any construction work under the Project which it performs itself other than through its own permanent work force directly employed or through the permanent work force directly employed or through the permanent work force directly employed by another agency or government;

(d) Cooperate actively with the FAA and the President's Committee on Equal Employment Opportunity in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Committee;

(e) Furnish the FAA and the Committee such information as they may require for the supervision of such compliance and will otherwise assist the FAA in the discharge of its primary responsibility for securing compliance;

(f) Refrain from entering into any contract or contract modification subject to Executive Order 11114 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to Part III, subpart D of Executive Order 10925;

(g) Carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the FAA or the Committee pursuant to Part III, subpart D of Executive Order 10925; and

In the event that the Sponsor fails or refuses to comply with its undertakings, the FAA may cancel, terminate or suspend in whole or in part any contractual arrangements it may have with the Sponsor, may refrain from extending any further assistance under any of its programs subject to Executive Order 11114 until satisfactory assurance of future compliance has been received from such applicant, or may refer the case to the Department of Justice for appropriate legal proceedings.

9. By its acceptance of this Grant Offer the Sponsor agrees that insofar as is within its powers and to the extent reasonable the Sponsor will take action to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft.

10. The Sponsor's financial records of the Project, established, maintained and made available to personnel of the FAA in conformity to Section 151.55 of the Regulations of the Federal Aviation Agency (14 CFR 151), will also be available to representatives of the Comptroller General of the United States.

11. The Federal Government does not now plan or contemplate the construction of any structures pursuant to Paragraph 9 of Part III- Sponsor's Assurances of the Project Application dated September 14, 1965, and, therefore, it is understood and agreed that the sponsor is under no obligation to furnish any areas or rights without cost to the Federal Government under this Grant Agreement. However, nothing contained herein shall be construed as alterning or changing the rights of the United States and/or the obligations of the sponsor under prior Grant Agreements to furnish rent-free space for the activities specified in such agreements.

12. In view of the provision appearing in Paragraph 6, Possible Disabilities, PART II-REPRESENTATIONS of the Project Application, it is understood and agreed that the obligations under PART II- SPONSOR'S ASSURANCES of the Project Application can and will be met by the Sponsor through the use of funds derived from sources other than taxation, both parties having determined that such necessary funds will be available as needed for these purposes.

13. It is mutually understood and agreed that the sum of $5,365.50, which sum is the amount of Federal participation in land Parcel B as shown on the Land Use Plan dated September 11, 1965 and acquired in Project No. 9-31-024-5801, shall be deducted from the Federal share of the allowable project costs of this project.

14. It is further agreed that prior to semi-final or final payment a current Federal Aviation Agency approved Airport Layout Plan and Land Use Plan shall be prepared which indicates, among other requirements, the relationship of the new highway to the airport and a revised Exhibit "A" which clearly reflects airport boundary, excluding the three tracts of land on which you have requested a release. The Federal Government hereby agrees to release said three tracts of land upon completion of the above requirements.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said Offer and Acceptance shall comprise a Grant Agreement, as provided by the Federal Airport Act, constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty years from the date of said acceptance.

Complete copy of resolution will also be found in Resolution Book #4 at pages 448, 449, 450.

The City Manager announced that the Airport will be closed to all air traffic effective at midnight October 10th, to remain closed until 12:01 A. M. on October 18th, assuming that the weather is favorable and the work can be accomplished.

Councilman Algary as Chairman of the Citizens Advisory Committee on Urban Renewal recommended the ap-

pointment of Douglas Pearson, Alvin Miller, Mrs. Charles D. Owen, Jr. and R. S. Dillard, Jr. to this Committee, and the appointments were confirmed by Mayor Eller. The City Clerk was requested to advise said members of their appointment.

Mr. Henry Fisher, attorney, requested a wage increase of 25 cents an hour for employees in the Sanitary Department.

The City Manager advised that bids will be received at 10:00 A. M. on October 1, 1965 for permit to operate a CATV system and for the construction of a 500,000 gallon water reservoir on Young's Mountain.

Mr. Robert L. Vaillancourt and Mr. Bill Clendenin appeared to protest that a residential subdivision they are developing on New Leicester Highway will suffer loss of property value due to the development nearby of a trailer park and another residential subdivision which they said does not meet city subdivision ordinance standards.

The City Manager advised that while the subdivision regulation extends one mile from the city and developers are required to submit plants to the Planning and Zoning Commission the ordinance has no enforcement provisions, and the city's only control would be through the supplying of water service. The City Manager further stated that the matter of the protested trailer park is a zoning matter and not covered by the subdivision ordinance.

Following a discussion, Councilman Sumner moved that city water service be withheld from any subdivision whose development plan has not been approved by the Planning and Zoning Commission, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Crouch suggested that the City Manager confer with County health authorities regarding trailer parks outside of the City limits.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Scarlett
CITY CLERK

Thursday, October 7, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 7, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Molvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read, and Councilman Algary requested that the minutes be corrected concerning subdivisions outside the city limits, it being the intention of the Council that city water service be withheld unless construction of streets, as well as other requirements of the Subdivision Ordinance, have been complied with, and with this correction the minutes were approved.

A letter was received from the Civil Service Board advising that the Civil Service Board had approved the following amendments:

"RULE 4 - AGE REQUIREMENTS - POLICE DEPARTMENT - to be amended as follows: By striking out Paragraph 3 of Article 4 and by inserting in lieu thereof "The applicant must have reached his 21st birthday and not have reached his 34th birthday".

"Rule 4 - FIRE DEPARTMENT - to be amended by striking out of Paragraph 4 the words "Intra-Departmental promotions shall not be made after employee has reached 55 years of age".

and requesting approval of the Council on such amendments.

The City Manager advised that this change was necessary because of recruitment problems.

Councilman McRary moved that the above amendments be approved, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager presented bids which had been received for the operation of a Community Antenna Television system in the City of Asheville:

General Cablevision, Inc.	5% of gross annual service revenues from first five thousand subscribers; to be increased 1% of company's gross annual service revenues for each additional 1,000 subscribers up to 8,000 subscribers, and thereafter a flat 8% of gross annual service revenues; 10% of the annual net profit after deducting taxes and amortization payments; asks for franchise for 15 years with option to renew for period of 15 years under same terms and conditions; at the end of 30 years plus 15 years option 49% of stock in company will be transferred to the city without charge, provided that franchise is renewed under same terms for an additional 15 year period from that date.
Reeves Broadcasting Corporation	15% of gross receipts of monthly service charge
Asheville Cablevision, Inc.	16% of gross receipts of monthly service charge up to $600,000 and 50% of monthly service charge over $600,000; with system to become property of city after 20 year period.

The City Manager stated that it appeared that Asheville Cablevision, Inc. had submitted the best bid in the interests of the City of Asheville, and recommended that this proposal be accepted.

Following a discussion, Councilman Morgan introduced a resolution accepting the bid of Asheville Cablevision, Inc. for the furnishing of cable television services within the city, and authorizing the Mayor and City Clerk to execute a lease-license agreement with the bidder, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 451.
Copy of contract will be found attached to original resolution.

The City Manager presented the bids which had been received for the construction of a five hundred thousand gallon water reservoir to be known as "Young Mountain Reservoir".

Brown Construction	
Buncombe Construction	$55,900
Crom Corporation	49,725
Hobson Construction	39,400
Wannamaker & Wells	52,997
W. B. Dillard Construction	72,800
	51,200

and the recommendation of Register and Cummings, Engineers, for the awarding of contract.

Councilman McRary introduced a resolution awarding contract for construction of a five hundred thousand gallon reservoir to be known as "Young Mountain Reservoir", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 452.

The City Manager advised that an agreement had been reached with the Southern Railway Company for the purpose of encroaching on railroad property to install abutments and footings for the Cedar Street Bridge.

Councilman Mulvaney introduced a resolution authorizing Mayor and City Clerk to execute agreement with Southern Railway Company for the purpose of constructing and maintaining an overhead bridge to carry Cedar Street across the right of way and over the main track of Southern Railway at a point 632 feet west of Milepost S-137, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 453.

The City Manager advised that for some time the city has been maintaining state highway system streets within the corporate limits and reimbursed for said maintenance by the Highway Commission, and that now the State Highway Commission has requested that the city enter into a formal agreement for this type of work.

The following resolution was offered by Councilman Sumner and seconded by Councilman Crouch and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission under the provisions of the General Statutes of North Carolina, Section 136-41(3) has determined that the City of Asheville is qualified and equipped to do the work of maintaining and repairing the State Highway System streets within the corporate limits of this Municipality except _____; and,

WHEREAS, this Municipality has determined that it will be to its advantage to provide for the work of maintaining and repairing the State Highway System streets within the Municipality on a reimbursement basis; and,

WHEREAS, the State Highway Commission and this Municipality have agreed that the corporate limits of this Municipality, as of the date of the execution of this Agreement for the maintenance of the State Highway System streets within this Municipality (except those as hereinabove provided) are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purpose of this Agreement. Further, upon any extension of the corporate limits of said Municipality, the Municipality shall notify the State Highway Commission within thirty (30) days prior to the actual annexation by written notice attached with an executed resolution authorizing the Mayor of the Municipality to incorporate all State Highway System streets within this annexed area (except those as hereinabove provided) under the terms and provisions of the Agreement; and,

WHEREAS, the State Highway Commission shall notify the Municipality at the beginning of each fiscal year of the amount of money expected to be available to the Municipality for the maintenance and repair of the State Highway System streets within the Municipality; provided further that the State Highway Commission shall also notify the Municipality ten (10) days prior to the beginning of each quarter of the amount allocated for that quarter; and,

WHEREAS, the Municipality shall stay within the quarterly allotments as hereinabove provided. The Municipality shall immediately notify the State Highway Commission's Division Engineer of its Thirteenth Division at any time the Municipality anticipates exceeding the quarterly allotment; and provided further that said Division Engineer shall determine the curtailing of the work or the alloting of additional funds in case of expenditures in excess of the quarterly allotment; and

WHEREAS, it is provided that the Municipality cooperate with the State Highway Commission to the extent of:

(1) Providing for the routine maintenance, upkeep and repair of the State Highway System streets within the Municipality, except those as hereinabove provided.

(2) Performing the maintenance and repair work in accordance with the requirements of the State Highway Commission, under the general administrative control of the said Commission's Division Engineer for its Thirteenth Division.

(3) Forwarding the plans, specifications, proposals and other bid documents for any work covered by this Agreement to be performed by sub-contract to said Division Engineer for approval prior to advertising for bids. Further, the Municipality shall submit the tabulation of bids to said Division Engineer, who upon recommending the award of the contract, shall forward the information to the State Highway Commission in Raleigh, North Carolina, and thereafter be presented to said Commission in official session for the concurrence in the Municipality's award of bids to the lowest qualified bidder.

(4) Submitting to the State Highway Commission a quarterly invoice in the form approved by the State Highway Commission's Finance Department, for work completed under the terms of this Agreement. The State Highway Commission shall reimburse the Municipality within thirty (30) days after receipt of the invoice for the costs incurred in furnishing personnel, labor, equipment and materials for the work performed. The equipment costs shall be the rental cost in accordance with regular rental rates established and published by the Equipment Department of the State Highway Commission, said rental rates shall include all costs of equipment repairs, maintenance and fuel; said personnel and labor costs shall be the gross wages earned by the personnel furnished and for work completed by the terms of this Agreement; the rate for the said wages to be paid shall be the same as if the personnel were engaged in work for the sole purpose of the Municipality. To the actual labor and material costs (as hereinabove provided) may be added ten (10) per cent to cover administrative costs. The costs shall include such costs as are incurred by the Municipality for the time required for the movement of personnel and equipment to and from the place where the work is to be performed under the terms of this Agreement. The cost of any work sub-contracted shall be at the contract price of the item or items involved.

NOW, THEREFORE, BE IT RESOLVED that maintaining and repairing the State Highway System streets within the corporate limits of this Municipality be and it is hereby formally approved by the City Council of the City of Asheville and that the Mayor and City Clerk of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

Complete copy of resolution will also be found in Resolution Book #4 at page 454.
Copy of Contract will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing Mayor and City Clerk to execute quit-claim deed to H & K Firestone Dealer Stores, Inc., which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 455.
Copy of Deed will be found attached to original resolution.

CAROLINA POWER & LIGHT CO[illegible]

The City Manager advised that the Carolina Power & Light Company had requested an easement for a power transmission line over certain city property lying between Courtland Avenue and Riverside Drive, for which said company would pay the city the sum of $800.00.

Councilman Morgan introduced a resolution authorizing Mayor to execute Right-of-Way Easement to Carolina Power & Light Company, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 456.
Copy of Easement will be found attached to original resolution.

Mr. W. W. Orr, attorney for Harold H. Thoms, president of WISE-TV, inquired whether the agreement with Asheville Cablevision includes a performance bond, and was advised by the Corporation Counsel that there is no requirement for a performance bond. Mr. Orr also asked if there was a limit for starting construction of the system, and the City Manager advised that the agreement does not fix such a limit, but it is expected construction will start by November 1st. The Corporation Counsel advised that the city can cancel the agreement if construction is not begun in a reasonable time.

Councilman Algary pointed out that the agreement permits the city to cancel the lease-license if unsatisfactory performance continues 30 days after formal notification by the city.

Mrs. Robert W. Kirby, spokesman for residents on Louisiana Avenue, protested that this street and adjoining Pruitt Street are being used by many through trucks, and that the 35 mile speed limit is constantly violated. Also speaking in support of this protest was Mr. John Miall.

The City Manager advised that efforts to apprehend speeders and keep through trucks off the street will be redoubled, and that he thought the situation would be eased when the connector route between Interstate Routes 40 and 26 and Patton Avenue are completed.

Councilman Algary suggested that additional signs be erected and an effort be made to urge motorists to use the Hanover Underpass just beyond Westgate.

Mr. Henry Fisher again appeared before the Council requesting a wage increase for employees in the Sanitary Department.

He was advised that the matter is under consideration, and the City Manager advised that the city pays the prevailing wage for laborers and truck drivers.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

Thursday, October 14, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 14, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Robert P. Crouch, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that Lot 165, Sheet 2, Ward 4 remain as now zoned.

October 13, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. E. M. Winner, President of Electric Supply Company:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 165, Sheet 2, Ward 4, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that Lot 251, Sheet 13, Ward 8, remain as it is now zoned.

October 13, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. J. D. Baker, signed by Attorney Paul Smith:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 251, Sheet 13, Ward 8 remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

The above recommendations were received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 45 and 46, Sheet 11, Ward 8 from RA-6 Residential District to Roadside Business Area.

October 13, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. F. L. Rodenbeck, Senior Trust Officer, First Union National Bank, Administrator for the estate of R. W. Johnson:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 45 and 46, Sheet 11, Ward 8 be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 192, Sheet 13, Ward 8 from RA-6 Residential District to Roadside Business Area.

October 13, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Jack R. Finley, Sales Supervisor for Humble Oil and Refining Company:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 192, Sheet 13, Ward 8, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Morgan moved that the ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Crouch and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending approval of a plat of "A Portion of Happy Valley Development".

October 14, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "A Portion of Happy Valley Development," Clyde Munn, Developer, and prepared by Harry P. Davis, Registered Surveyor, shows the subdivision of land in Haw Creek.

The Asheville Planning and Zoning Commission at its meeting on October 13 gave this plat preliminary approval.

It is recommended that this plat be given your final approval.

Sincerely yours,

S/ Roger Briggs
Roger Briggs, Design Planner.

RB:nr
Encl:

Councilman McRary moved that this plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the site plan entitled "Apartment Development, Parkway Mortgage Company" be approved.

October 14, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached site plan entitled "Apartment Development, Parkway Mortgage Company", and dated October 4, 1965, shows a proposed group development on the Asheville-Biltmore College access road.

The Asheville Planning and Zoning Commission at its meeting on October 13, gave this plan preliminary approval. It is recommended that this apartment site plan be given your final approval.

Sincerely yours,

S/ Roger Briggs
Roger Briggs, Design
Planner

RG:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the approval of site plan entitled "Asheville Arms".

October 14, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached set of plans entitled "Asheville Arms," C. H. Norton and Milton Womack, Owners, prepared by L. Huff, Designer, shows a proposed 56 unit apartment development at the corner of Chestnut Street and Furman Avenue.

The site plan, along with the print entitled "Site Plan Revisions", was given preliminary approval by the Asheville Planning and Zoning Commission at its meeting on October 13.

It is recommended that this apartment group development be given your final approval.

Sincerely yours,

RB:nr
Encl:

S/ Roger Briggs
Roger Briggs, Design Planner

The City Manager advised that it was necessary to hold a public hearing on the above site plans, after giving fifteen days notice.

Councilman McRary moved that a public hearing be held on said site plans, and that the City Clerk give notice of said public hearing to be held on November 4, 1965, which motion was seconded by Councilman Algary and unanimously adopted.

In regard to the traffic problem on Louisiana Avenue the City Manager reported that the Police Department is making a real effort to clock speeders, has erected signs, and that he believes there is an improvement in the flo of traffic.

The City Manager reported that the Asheville Ambulance Service has answered 185 calls in the city and 42 in the county in the first month of operation since taking over ambulance service. The City Manager further reported that there have been complaints that ambulance service is being given by parties who have not secured the required certificate of public convenience and necessity, and the matter will be investigated.

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to enter into agreement with the Metropolitan Sewerage District of Buncombe County, North Carolina for lease of space in the City Hall and for services of the Accounting Department of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 457.
Complete copy of Agreement will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Richard B. Loughran, as Trustee under the will of Frank Loughran, for operating off-street parking facility by city, which was, upon motio of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 458.
Complete copy of Lease will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period ending September 30, 1965.

Miss Fannie McCoy appeared before the Council and charged that fluoridation of the water supply is making people sick.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 21, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 21, 1965, at 4:00 o'clock P. M. with Mayor E. W. ller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon ir.

The minutes of the previous meeting were read and approved.

The City Manager announced that today is the date set for the public hearing on the request to close a public right-of-way on a tract of land previously owned by Mr. Fred Seely south of the Seely Castle Tract.

Colonel Chester C. Hough and Brainard B. Rorison appeared before the Council and contended that the alley in estion is the upper extension of Old Toll Road and was formerly open to traffic.

The City Manager stated that the alley referred to in the resolution is not a part of Old Toll Road and has ver been opened.

Colonel Hough further stated that the upper portion of Old Toll Road, whether it is the alley in question or ot, has been closed to access by a private developer.

The Council decided to delay action on the request to close the alley until this matter can be investigated rther, and also that an investigation be made into the closing of said portion of Old Toll Road.

The City Manager advised that petitions have been received for the paving of North Bear Creek Drive and Friendly Hollow Road, and, in order to establish a lien on abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Morgan then introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on North Bear Creek Drive and Friendly Hollow Road, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 459.

The City Manager advised that the property on Fanning Bridge Road on which an offer was made by Wilburn and ssociates, Inc. had been advertised and sold at public auction, and at said auction the only bid was by Wilburn and Associates in the amount of $16,000.00, this being the property on which a plant is to be built by the Wallace Barnes Division of Associated Spring Corporation.

Councilman Algary introduced a resolution directing Mayor and City Clerk to execute deed to Harold C. Wilburn, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 460.
Copy of deed will be found attached to original resolution.

The City Manager advised that the Society of American Foresters, Appalachian Section, had requested that a portion of the North Fork Watershed, being 225 acres lying in a strip at the top of the ridge extending from Balsam Gap to a point just beyond Potatoe Knob and separated from the main portion of the North Fork property by the Blue Ridge Parkway, be set aside as a Natural Area for the purpose of scientific observations and research. The City Manager further stated that the program could be of benefit to the city's watershed timber management project, and that either the City or the society can terminate the agreement at any time.

Following a discussion, Councilman Sumner introduced a resolution setting aside and establishing 225 acres of the Asheville Watershed as a Natural Area for research and scientific purposes, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 461.
Copy of agreement will be found attached to original resolution.

Councilman McRary introduced Ordinance No. 527, being "AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE", which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the strengthening of the runway at the Airport had been completed on schedule, and the Airport was reopened at the time agreed upon. The City Manager expressed appreciation to the weatherman, the Federal Aviation Agency, the contractor, the air lines, and the City Engineering Department.

Mr. Henry Fisher again appeared before the Council requesting a wage increase for employees in the Sanitary

Department, quoting statistics from the North Carolina Department of Labor and other information.

The City Manager advised that municipalities are exempt from the minimum wage unless working under federal contract, and that when this was the case the contracts are approved by the Federal Agency involved; that the City is paying the prevailing wage rate, and if this changes he is authorized by the Council to increase the wages accordingly.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 28, 1965 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, November 4, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 4, 1965, at 4:00 o'clock P. M. with Mayor E. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 527, being "AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE," was upon motion of Councilman McRary, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The matter of the closing a public right-of-way on a tract of land previously owned by Mr. Fred Seely south of the Seely Castle Tract was further discussed, and Colonel Chester C. Hough withdrew his objection to the closing of this right-of-way.

Following the discussion, Councilman Sumner introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a public right-of-way on a tract of land previously owned by Mr. Fred Seely south of the Seely Castle tract and further described as being in Ward 2, Sheet 13, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 462

Colonel Hough alleged that Old Toll Road Extension has been improperly closed by a private developer, and requested that this part be reopened.

The City Manager advised that there is a chance that the road is on private property, but that this matter would be investigated and a report made to the Council.

The City Manager advised that today is the date set for the public hearing on the Site Plan for the "Asheville Arms", due notice having been published as required, and said Site Plan approval having been recommended by the Planning and Zoning Commission.

There being no objection, Councilman Sumner moved that said Site Plan be approved, which motion was seconded by Councilman Crouch and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the Site Plan for the "Apartment Development, Parkway Mortgage Company", due notice having been published as required, and said Site Plan approval having been recommended by the Planning and Zoning Commission.

Councilman Algary discussed the number of parking spaces provided in said plan and the number required by city ordinance.

Mr. Roger Briggs, Design Planner for the Planning and Zoning Commission, advised that this requirement was fully complied with.

Following the discussion Councilman Sumner moved that said Site Plan be approved, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that a request had been received from Mr. Sam P. Weems, Superintendent of the Blue Ridge Parkway to encroach on city owned land which is included in the Bee Tree Lake tract in order to construct a second story room building to serve the picnic grounds and parking lot at Craggy Gardens.

Mr. A. J. Connell of the Asheville office presented maps showing the proposed development, and answered questions concerning this improvement.

Councilman Sumner suggested that a dead-end road be constructed into the area, and Mr. Connell stated he would present this request to Mr. Weems.

Following the discussion, Councilman Morgan moved that the request be granted, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager announced that today is the date set for the public hearing on the requests for amendments to the zoning ordinance by First Union Bank, Administrator of the estate of R. W. Johnson, and Humble Oil & Refining Co.

There being no objection, Councilman Mulvaney introduced Ordinance No. 528, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 463

The City Manager advised that a request had been made by Mr. Francis J. Heazel, attorney for Vanderbilt Apartments, Inc., a non-profit corporation created for the purpose of providing housing for retired persons, that the City Council appoint three members to the Board of Directors, with three to be appointed by the Board of County Commissioners and three by the Asheville Chamber of Commerce, in order to qualify for Federal assistance in this project.

Councilman Sumner discussed the policy of non-profit apartments in competition with other apartments.

Following the discussion, Councilman Algary introduced a resolution appointing Directors of Vanderbilt Apartments, Inc., a non-profit organization, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 464.

The City Manager presented a report from the Municipal Board of Elections giving the result of the election held on November 2, 1965 in regard to the Dog Control Ordinance and the Sunday Closing Ordinance.

Municipal Board of Elections
Asheville, N. C.

November 3, 1965

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, November 2, 1965, a referendum was held upon the "Proposed ordinance requiring dogs within the City to be kept on the property of the owner or the person charged with the responsibility of the dog. If dogs are allowed off said premises and not under leash, the dogs would be impounded by the City Dog Control Officer. If dogs are not redeemed within five days after impounding, they may be put to death in a humane manner by the City Dog Control Officer."; and

WHEREAS, on Tuesday, November 2, 1965, a referendum was held upon the "Ordinance prohibiting business activity on Sunday. Also prohibited is any event for amusement or sporting event charging a fee for admission on Sunday prior to 1:00 P. M., Eastern Standard Time. Excepted is any such event in progress at Saturday Midnight. Also excepted from the Ordinance would be: Businesses providing hotel, lodging, or meals; drug stores and food stores furnishing medical supplies, cosmetics, foodstuffs, beverages, tobacco products, books and newspapers, and magazines; newspapers and the sale thereof; emergency repair service; public utilities; radio and television broadcasting; trucking and taxicabs; gasoline stations; refrigeration and ice; dairy products; bakeries; magazine stands, shoe shine parlors; coin-operated launderies and cleaners; vending machines; amusements, shows, and sporting events; real estate dealers; funeral directors; and florists."; and

WHEREAS, certificates of result of said Referendums were certified by the election officials to the Municipal

...Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on November 3, 1965; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 City polling precincts for both referendums; and

WHEREAS, the results of both of said Referendums were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, find attached hereto certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Referendum on Proposed Dog Control Ordinance and on Sunday Closing Ordinance and declaring the result thereof, together with sworn statement of the members of the Board of Elections tabulating such returns.

Yours very truly,

S/ Edison Hill
Chairman

S/ Eugene P. Coston
Secretary

Irwin Monk

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE REFERENDUM UPON PROPOSED DOG CONTROL ORDINANCE AND ON SUNDAY CLOSING ORDINANCE AND DETERMINING AND DECLARING THE RESULT THEREOF

BE IT RESOLVED by the Municipal Board of Elections of the City of Asheville:

Section 1. That the returns of the result of the Referendum held in the City of Asheville on November 2, 1965, upon 'Proposed ordinance requiring dogs within the City to be kept on the property of the owner or the person charged with the responsibility of the dog. If dogs are allowed off said premises and not under leash, the dogs would be impounded by the City Dog Control Officer. If dogs are not redeemed within five days after impounding, they may be put to death in a humane manner by the City Dog Control Officer"; and the returns of the result of the Referendum held on said date upon the "Ordinance prohibiting business activity on Sunday. Also prohibited is any event for amusement or sporting event charging a fee for admission on Sunday prior to 1:00 P. M., Eastern Standard Time. Excepted is any such event in progress at Saturday Midnight. Also excepted from the Ordinance would be: Businesses providing hotel, lodging, or meals; drug stores and food stores furnishing medical supplies, cosmetics, foodstuffs, beverages, tobacco products, books and newspapers, and magazines; newspapers and the sale thereof; emergency repair service; public utilities; radio and television broadcasting; trucking and taxicabs; gasoline stations; refrigeration and ice; dairy products; bakeries; magazine stands, shoe shine parlors; coin-operated launderies and cleaners; vending machines; amusements, shows, and sporting events; real estate dealers; funeral directors; and florists", having been received from the registrars and judges of election in the various precincts of the City, and having been canvassed, the Municipal Board of Elections has found and determined and does hereby declare:

(a) That each registrar and judge for said Referendum was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast For the Ordinance and Against the Ordinance for each Referendum, as above set out, in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Referendums, and makes the following tabulation of the returns of said Referendums, which tabulation correctly shows the number of votes cast in each precinct in favor of the questions submitted, the number cast against the questions, and the totals of such numbers:

	DOG CONTROL ORDINANCE		SUNDAY CLOSING ORDINANCE	
PRECINCT	FOR THE ORDINANCE	AGAINST THE ORDINANCE	FOR THE ORDINANCE	AGAINST THE ORDINANCE
1	256	93	100	269
2	699	314	548	475
3	575	288	530	432
4	615	444	676	688
5	502	470	646	625
6	595	461	734	605
7	990	304	439	435
8	242	88	152	146
9	370	190	360	218
10	238	108	138	214
11	281	177	189	368
12	488	149	268	295
13	498	203	366	193
14	350	160	315	586
15	923	409	820	376
16	773	319	732	343
17	441	256	365	334
TOTAL	9262	4513	7378	6552

Dated this 3rd day of November, 1965.

S/ Edison Hill

S/ Eugene P. Coston

S/ Irwin Monk
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me, this 3rd day of November, 1965.

S/ Margaret Simmons
Notary Public

My commission expires: Jan. 6, 1966 (Seal)

Section 3. That from the canvass so made by this Board it is judicially determined and declared:

(a) That at said Referendum 9262 votes were cast for the Proposed Dog Control Ordinance, and 4513 votes were cast against said proposed ordinance, and that a majority of the qualified voters of said City who voted thereon at said Referendum voted for said Proposed Dog Control Ordinance.

(b) That at said Referendum 7378 votes were cast for the Sunday Closing Ordinance, and 6552 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said Referendum voted for said Sunday Closing Ordinance.

Section 4. That the result of said Referendums shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

We, Members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE REFERENDUM UPON PROPOSED DOG CONTROL ORDINANCE AND ON SUNDAY CLOSING ORDINANCE AND DETERMINING AND DECLARING THE RESULT THEREOF", which was duly adopted on November 3, 1965 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 4, beginning at page 51 and ending at page 53, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 3rd day of November, 1965.

S/ Edison Hill

S/ Eugene P. Coston

S/ Irwin Monk
Members of the Municipal Board of Elections

In this connection the City Manager announced that a conference would be held at 10:00 Friday morning with the Corporation Counsel, Director of Public Safety, Chief of Police and certain officers to discuss procedure for enforcement of Sunday Closing Ordinance.

The City Manager presented the quarterly audit of the City of Asheville Board of Alcoholic Control.

The City Manager presented the statement showing the budget position of the city for the period ending October 1965.

Mrs. E. P. Guilka again appeared before the Council with the complaint that trucks use Merrimon Avenue illegally at night; and renewed her complaint concerning the vacant building near her property.

She was advised by the City Manager that efforts will be stepped up regarding the trucks, and that legal steps are being taken in regard to the substandard building.

In regard to the recent convention of the North Carolina League of Municipalities in Asheville, Councilman Algary stated that he had no information concerning this convention, and thought the Council should be better informed concerning League conventions. He suggested that two Councilmen be appointed to attend such meetings, and that two alternates also be appointed, such appointments to be made according to length of service on the Council.

Councilman Algary further suggested that when the meeting is held in Asheville that each Councilman be notified in sufficient time to make arrangements to attend, probably two weeks before the meeting, and be advised of the program.

Councilman Algary further recommended that except in emergencies members of the Council be notified concerning cancellation of meetings before the press.

Mayor Eller stated he thought the appointment of delegates was good, since it has always been difficult to get attendance at such meetings, but, since members of the Council receive the Southern City, the publication of the North Carolina League of Municipalities, he had thought they were informed about the convention.

Councilman Summer discussed the Urban Renewal Project now under way, and suggested that a committee be appointed by the Council to look into the undue delay in purchase of property, demolition of buildings, and the amount of money being spent in the Redevelopment Commission office for salaries.

Councilman Algary, Chairman of the Citizen's Advisory Committee for Urban Renewal and Housing, stated that while planning for the project began in 1960 it wasn't until July, 1964 that the Commission actually received any money to begin the project; that some of the delay has been caused by time needed for the city to update its codes to meet federal requirements; and then gave a brief report of the progress of the project.

The City Manager suggested that Mr. J. Alfred Miller, Chairman of the Redevelopment Commission, and James Greer, Executive Director, be invited to a Council meeting to report on the progress of the project.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 11, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 11, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Miss Fannie McCoy protesting metropolitan government, fluoridation, and activities of planning staff.

A letter was received from the Planning and Zoning Commission recommending revision of the Subdivision regulations by the City Council.

November 11, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

I am pleased to send to you the attached revision of the Subdivision Regulations of the City of Asheville. This revision has been thoroughly studied by the Planning and Zoning Commission, and it was approved by the Commission at its regular monthly meeting on November 3, 1965.

The Planning and Zoning Commission of the City of Asheville recommends adoption of this revision of the Subdivision Regulations by the City Council.

Sincerely yours,

S/ Richard Yearwood
Richard Yearwood
Executive Director

RMY:nr
Encl:

This revision was referred to the Corporation Counsel for study and report back to the Council.

A request was received from Joe C. Harrison for the rezoning of Lots 103, 104, Sheet 14, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A resolution was received from the Board of County Commissioners of Buncombe County that the City Council exercise its extraterritorial zoning powers within the territory extending for a distance of one mile beyond the City Corporate Limits in all directions.

In this connection a petition signed by some forty-six property owners endorsing the resolution of the Board of County Commissioners was received.

The City Manager suggested that this matter be referred to the Planning and Zoning Commission for study and recommendation with emphasis on the question of issuance of building permits in this one mile and all utilities becoming a very definite part of the recommendation, since this is the enforcement control.

This action was taken by the Council.

Ordinance No. 527, being "AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE", was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 527

AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 8-3. State Uniform Residential Building Code Adopted.

There is hereby adopted that State Building Code known as the North Carolina Uniform Residential Building Code, 1964 Edition. This Uniform Code was prepared by the North Carolina Building Inspectors' Association pursuant to the provisions of the General Statutes of North Carolina, section 143-136, et seq., together with all amendments thereto.

Such code is hereby adopted and incorporated as fully as if set out at length herein, and not less than three copies of the same have been and are now filed as public records in the office of the City Clerk.

That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 21 day of October, 1965.

J. W. McRary
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 11 day of November, 1965, to become effective 26 day of November, 1965.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 528, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. J. Alfred Miller, Chairman of the Redevelopment Commission of the City of Asheville presented a detailed chronology of the Commission's actions since it was formed in 1958.

Mr. James W. Greer, Executive Director of the Commission, gave a progress report on the Civic Redevelopment Project and the East Riverside Project, and answered questions by Councilman Sumner concerning the operation of this office.

During the discussion Councilman Algary pointed out that while the urban renewal formula calls for two-thirds federal and one third local financing the city would get credit for new buildings and "in kind" services for street and public utilities construction.

Councilman Algary introduced a resolution of the City Council of the City of Asheville approving undertaking of surveys and plans for an Urban Renewal Project and filing of an Amended Application, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 465.

Councilman Mulvaney introduced a resolution appointing Brainard Rorison, Secretary of the Sinking Fund Commission for Buncombe County, as Deputy City Accountant for purpose of keeping a record of bonds and coupons cancelled or redeemed, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 466.

Councilman Morgan introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 467.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 18, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 18, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, Robert P. Crouch, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read, and Councilman Sumner asked that his request that Mr. James

W. Greer, Executive Secretary of the Redevelopment Commission of the City of Asheville, furnish the Council with the amount spent by the Redevelopment Commission for the past five years, including attorney fees, appraisal fees, and all other items outside of rent, and Mr. Greer's agreement to furnish this information be made a part of the minutes. With this addition, the minutes were approved.

Ordinance No. 528, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"

Mayor Eller voted "aye"

ORDINANCE NO. 528

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned ROADSIDE BUSINESS AREA:

Lots 45 and 46, Sheet 11, Ward 8
Lot 192, Sheet 13, Ward 8

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 4 day of November, 1965.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 18 day of November, 1965, to become effective 3 day of December, 1965.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager reported that the litigation which has suspended development of the new golf course in the Richmond Hill section has been resolved in favor of the city, and the city is now able to develop this facility. The City Manager further advised that certain Federal funds are now available for this type of facility, and this will be fully explored in the development of the course.

Councilman Algary urged that the city retain all of the acreage and develop a championship course with room for the control of spectators and plenty of parking space, stating that there is a real need for such a course which would benefit the entire area, and the City should look to the future.

Mayor Eller stated that operating a championship course and a municipal course are different matters, a championship requiring much more money to maintain.

The City Manager pointed out that where Federal funds are involved an application must be made, and the Council will have an opportunity to review the entire matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 25, 1965 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, December 2, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 2, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 103 and 104, Sheet 14, Ward 6, as requested by Joe C. Harrison.

December 1, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. J. C. Harrison:

It was moved, seconded, and unanimously passed that the Commission reaffirm its previous decisions relating to this property and recommend to the City Council that it remain as now zoned on the following grounds:

1. Since consideration of the four previous requests to rezone this property, there has been no significant change in conditions in this area on Mace and Patton Avenue, and no new evidence has been brought to the Commission's attention which would warrant a change in recommendation.

2. To grant this request to rezone only two lots would constitute "spot zoning."

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Sumner discussed this matter, stating that this property with approximately six hundred feet frontage is the only property in that section of Patton Avenue which retains residential zoning, and suggesting that members of the Council inspect the property.

During the discussion several members of the Council stated that they were thoroughly familiar with the property.

Following the discussion, Councilman Algary moved that the recommendation of the Planning and Zoning Commission be upheld, which motion was seconded by Councilman Crouch and adopted.

A letter was received from the Planning and Zoning Commission recommending the extension of zoning to include the one mile extraterritorial zoning area, control of building permits and utilities in this area, adoption of proposed changes to implement extraterritorial zoning, and that the five members appointed from the one-mile extraterritorial area have a right to vote on all issues coming before the Commission.

December 1, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

In response to the City Council request dated November 12, 1965, for a Planning and Zoning Commission study and recommendation concerning extraterritorial zoning and related enforcement controls, including utilities and issuance of building permits, the following action was taken at a regular meeting held today:

Mr. Coleman moved that the Commission recommend the extension of zoning to include the one-mile extraterritorial zoning area adjacent to the City of Asheville and control of building permits and utilities in this area, and also recommend adoption of proposed ordinance changes to implement extraterritorial zoning. After discussion, Mr. Coleman amended his motion to include that the Commission also recommends that the five members appointed from the one-mile extraterritorial area have a right to vote on all issues coming before the Commission. Mr. Atkins seconded the motion and it carried unanimously.

The proposed Ordinance amendments, attached, will provide both the framework for exercising the City's extraterritorial zoning jurisdiction and the enforcement control requested.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond
Secretary

AR:nr
Encl:

AMEND ORDINANCE 322 AS FOLLOWS:

STRIKE PREAMBLE, SECTION 1 AND SECTION 14

AND

INSERT IN LIEU THEREOF THE FOLLOWING:

ZONING ORDINANCE

CITY OF ASHEVILLE, NORTH CAROLINA

An Ordinance regulating and restricting the erection, construction, reconstruction, alteration, repair, height, number of stories and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings and land for trade, industry, residence, or other purposes and establishing the boundaries of such districts; providing for changes in the regulations, restrictions, and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Adjustment; and imposing fines and penalties for violations.

AUTHORITY AND ENACTMENT CLAUSE

The City Council of the City of Asheville, in pursuance of the authority granted by the General Statutes of North Carolina, particularly Article 14 of Chapter 160, hereby ordains and enacts into law the following Sections.

Section 1. Short Title. This Ordinance shall be known and may be cited as The Zoning Ordinance of the City of Asheville, North Carolina and the Area Comprising its Extraterritorial Zoning Jurisdiction.

Section 1.1. Jurisdiction. The provisions of this Ordinance shall apply within the corporate limits of the City of Asheville, North Carolina and within the territory extending beyond such corporate limits, as now or hereafter fixed, for a distance of one (1) mile in all directions, but equidistant between the cities of Biltmore Forest and Asheville.

Section 1.2. Exemption. This Ordinance shall in no way prohibit, restrict or otherwise regulate any bona fide farm and its related uses within the extraterritorial zoning area as defined in Section 1.1 of this Ordinance, except that any use of such property for non-farm purposes shall be subject to all the requirements and conditions specified herein for the zoning district in which such property is located.

Section 1.3. Purpose. The zoning regulations and districts as herein set forth are made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the City of Asheville and the area comprising its extraterritorial zoning jurisdiction. They are designed to lessen congestion in streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate adequate provision of transportation, water, sewage, schools, parks and other public requirements. They are made with reasonable consideration, among other things, as to character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City and the area comprising its extraterritorial zoning jurisdiction.

Section 1.4 Scope of Ordinance. No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations of this Ordinance for the District in which it is located, except as otherwise provided herein.

Section 1.5 Conflicting Regulations. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the City, or any easements, covenants or other agreements between parties. However, if the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or with easements, covenants or agreements between parties, the more restrictive or that imposing the higher standards shall govern.

AMEND ORDINANCE 322 AS FOLLOWS:

Strike Section 12, Section 13, Section 17 and Section 18

and

insert in lieu thereof the following:

Section 12. Administration and Enforcement

A. Enforcement Officer. The provisions of this Ordinance shall be enforced by the Building inspector, who shall in no case issue or approve any permit or Certificate of Occupancy for the erection, construction, alteration, repair or use of any building or structure, or the use of any land if the building or structure as proposed to be erected, constructed, altered, repaired, or used, or such use of land would be in violation of any of the provisions of this Ordinance or any other codes and/or laws of the City of Asheville or the State of North Carolina.

B. Building Permit Required. No utilities shall be installed, and no building or structure shall be erected, constructed, reconstructed, moved, structurally altered, or repaired, and no such work shall be commenced, either in whole or in part, within the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction until a building permit shall have been issued by the Building Inspector. No such permit shall be issued until the applicant has filed both a statement of the intended use of the land, building, or structure and an application for a Certificate of Occupancy.

C. Application for Building Permit. All applications for building permits shall be accompanied by complete plans in duplicate signed by the author with his address, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the applicant when such plans shall have been approved by the Building Inspector. A careful record of such applications and plans shall be kept in the Office of the Building Inspector.

D. Building Permits Prior to Effective Date. No section of this Ordinance shall in any way prohibit, restrict, or affect in any manner or form any person, firm or corporation who has secured a building permit prior to the effective date of this Ordinance.

E. Certificate of Occupancy Required. No land shall be used or occupied, and no building or structure hereafter erected, constructed, reconstructed or structurally altered shall be used or changed in use within the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof complies with the provisions of this Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a non-conforming use.

1. A Certificate of Occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection, con-

struction, reconstruction, or structural alterations of such building, or part thereof, shall have been completed in conformity with the provisions of this Ordinance.

2. A record of all such certificates shall be kept on file in the Office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building erected.

F. Responsibilities of the City Water Department and Public Utility Companies. In order to aid the Building Inspector in the enforcement of this Ordinance, the City Water Department, the Carolina Power and Light Company of Asheville and the Public Service Company of North Carolina, Incorporated, shall make available, daily, reports of requests for all line or meter connections, disconnections, reconnections, removals, reinstallations, or meter registration changes within the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction and shall provide their respective services within said City and Area only in compliance with the following:

1. No water, sewage, gas or electrical distribution line or meter shall be installed, connected or registered and no such work shall be commenced within the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction until the Building Inspector shall have issued a Building Permit in accordance with Subsections B. and C., above.

2. Prior to any reconnection, reinstallation or meter registration change within the City of Asheville and the Area Comprising its Extraterritorial Zoning Jurisdiction, a Certificate of Occupancy shall have been issued by the Building Inspector in accordance with Subsection D., above.

G. Responsibilities of the Property Owner. In those cases where the owner is not the occupant of the premises but where the water, gas or electrical meter is registered in the owner's name, or where there are neither water, gas nor electrical connections on the premises, the owner or his agent shall notify the Building Inspector at such time as the premises shall become vacant and shall secure a Certificate of Occupancy before the premises is reoccupied.

H. Duties of Building Inspector, Board of Adjustment, Courts and Council as to Matters of Appeal. It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Building Inspector and that such questions shall be presented to the Board of Adjustment only on appeal from the Building Inspector; and that from the decision of the Board, recourse shall be had to the courts as provided by law. It is further the intention of this Ordinance that the duties of the City Council in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as hereinbefore set out in this Section 12 and that the duties of the Council in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

I. Duties and Functions of the Asheville Planning and Zoning Commission.

1. Continuous Review of Ordinances. The Asheville Planning and Zoning Commission and its staff shall carry on a continuous review of the effectiveness and appropriateness of the zoning ordinance, and recommend such changes as they see fit.

2. Advice to Other Agencies. The Asheville Planning and Zoning Commission and its staff shall give such technical advice as they deem appropriate to the Building Inspector, the Zoning Board of Adjustment, and other agencies.

J. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Building Inspector or any other appropriate authority, or any adjacent, nearby, or neighboring property owner or any other citizen of the municipality who would be affected by such violation, in addition to the other remedies provided herein or by law, may institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

The City Manager advised that the above would be an amendment to the zoning law, and that public notice of at least fifteen days is required. The City Manager suggested that the Clerk be authorized to give public notice of a hearing to be held on this matter on January 6, 1966.

Councilman McRary moved that such action be taken, which motion was seconded by Councilman Mulvaney and adopted.

The City Manager distributed to members of the City Council a Cost Analysis of the Redevelopment Commission as requested by Councilman Sumner.

...

The following resolution was offered by Councilman Mulvaney, seconded by Councilman McRary, and, upon being put to a vote, was unanimously carried:

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH THE STATE HIGHWAY COMMISSION PROVIDING FOR TRAFFIC CONTROLS FOR PROJECT 8.19048.

WHEREAS, the North Carolina State Highway Commission and the City of Asheville entered into an agreement dated August 20, 1964, for the improvement and construction of Project 8.19048, Buncombe County; and

WHEREAS, the City is empowered by the General Statutes of North Carolina, Section 160-200 (31) and Section 136-18 (5), to provide adequate traffic operating controls for the safe and efficient utilization of the highways, and it is proper that the City cooperate with said Commission to the extent of establishing and maintaining traffic operating controls for the regulation and movement of traffic on said project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE MUNICIPALITY OF ASHEVILLE:

That a supplemental Municipal Agreement proposed to provide adequate operating controls for the safe and efficient utilization of the highway under Project 8.19048, Buncombe County, is approved, and the Mayor and Clerk are authorized to sign and execute the contract.

Complete copy of resolution will also be found in Resolution Book 4 at page 468.
Copy of agreement will be found attached to original resolution.

The City Manager advised that the City has been requested to join in the execution of a deed of trust to Bruce A. Elmore, Trustee, and the Northwestern Bank in order to permit George Goodyear Company, Inc. to secure a construction loan for the erection of a parking building, which transaction is a legal technicality and places the city under no financial obligation.

Councilman Algary then introduced a resolution directing Mayor and City Clerk to execute a deed of trust to Bruce A. Elmore, Trustee, and the Northwestern Bank on property located at the Northeast intersection of Broadway and College Street in the City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 469.
Copy of deed of trust will be found attached to original Resolution.

Councilman Crouch introduced a resolution directing the Mayor to execute quitclaim deed to C. Hugh Boulden and wife, Catherine L. Boulden, to property at the intersection of Dartmouth Street and Patton Avenue, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 470.
Copy of deed and plat will be found attached to original Resolution.

The City Manager advised that he had been serving as a member of the Board of Directors of The Opportunity Corporation, and that a recent provision in the Bylaws of said corporation required formal action by the Council of representative of the City of Asheville on said Board.

Councilman Mulvaney then introduced a resolution naming the City Manager to the Board of Directors of The Opportunity Corporation, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 471.

The City Manager advised that under the recently enacted Ambulance Ordinance an ambulance service being operated at the time the ordinance was enacted would be permitted to continue upon complying with the provisions of said Ordinance; that Berryman-Hall Funeral Home has made an application to continue, and said concern has met the requirements of the ordinance. The City Manager advised that all emergency calls through the Police and Fire Departments will continue to be answered by Ambulance Service of Asheville as provided by contract.

Following a discussion, Councilman McRary moved that the City Manager's office be authorized to issue a Certificate of Public Convenience to Operate an Ambulance Service in the City of Asheville to Berryman-Hall Funeral Home, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that the strengthening of the ramps and taxiways at the Asheville Airport has been completed, properly marked, and that many letters of appreciation from the public carriers have been received.

Miss Fannie McCoy again protested the fluoridation of the city water supply.

Councilman Crouch moved that the minutes record the regret of members of the Council to Councilman Morgan on the loss of his wife, and that the City Clerk be directed to write a letter of sympathy to Councilman Morgan and members of his family, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 9, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 9, 1965, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission requesting that the City Council consider

the proposed change in the zoning ordinance that would require a form and a nominal fee for rezoning requests and would place a reasonable time limit on the frequency of resubmitting requests.

December 6, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission has noted a number of repeated requests for rezoning of various property over the past several months. It is our feeling that a person should not be privileged to request rezoning every month or so for the same property. To do so is a hardship on surrounding property owners who have a vital interest in the proceedings and who want to attend and must attend so often to register their opposition to, or support of, the request. This is a burden on citizens and taxpayers.

We respectfully request, therefore, that the City Council of Asheville consider the proposed change in the zoning ordinance that would require a form and a nominal fee for rezoning requests and would place a reasonable time limit on the frequency of resubmitting requests. This suggested amendment would provide for procedures that are now widely used elsewhere in connection with rezoning requests. It is not designed to deprive a property owner of the right to request that zoning of his property be changed. It would enable him, if circumstances change, to submit a request after six months time. The suggested change calls for passage of a year before resubmitting a request, if there is not new evidence and if conditions are unchanged. It is felt that this provision would protect the individual property owner's rights and would relieve citizens and taxpayers of the burden of appearing several times at the Planning and Zoning Commission meetings.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR:nr

The City Manager stated that he thought the Planning and Zoning Commission could establish a policy of review of zoning requests and enforce it by scheduling zoning repeat requests six months in the future, but passage of an ordinance by the Council would be denying citizens of a right to petition.

Councilman Algary stated he did not think there should be any charge, and was supported in this by several members of the Council. Councilman Algary further pointed out that petitioners always have a right to appeal to the City Council.

Following the discussion, this matter was referred to the Corporation Counsel for study.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Echo Hills Extension, Section No. 2".

December 8, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Echo Hills Extension, Section No. 2," prepared by Carter & Bearden, Engineers, and dated September 3, 1965, shows the subdivision of land in an area between Leicester Highway and Johnston Boulevard.

This plat was given preliminary approval on October 13, 1965, by the Asheville Planning and Zoning Commission. It is recommended that this plat be given final approval.

Sincerely yours,

RMY:nr
Encl:

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

Councilman McRary moved that this plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A petition was received requesting the rezoning of Lots 30, 31, 24, 29, 27½, 27, 28, 27½, Ward 2, Sheet 3, Marcellus Street north of Expressway and west of Merrimon Avenue.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A resolution was received from the Asheville Board of Realtors supporting the proposed extension of city zoning regulations one mile beyond the corporate limits.

The City Manager presented the statement showing the budget position of the city for the period ending November 30, 1965.

The City Manager advised that a request had been received from the Upper French Broad Economic Development Commission that the city make available to said Commission office space at the Asheville Airport. The City Manager further advised that this commission, now in process of formation, will deal with the Tennessee Valley Authority in connection with a proposed flood control and water resources development program for Buncombe, Henderson, Madison and Transylvania Counties, and recommended that this request be granted.

Following a discussion, Councilman Morgan moved that the recommendation of the City Manager be approved, which motion was seconded by Councilman Sumner and unanimously adopted.

The City Manager advised that a letter had been received from Captain Edwin C. Guy, Troop F Commander of the State Highway Patrol, requesting the donation of six acres of city-owned land at the Asheville Airport for a new headquarters to replace the present Tunnel Road location.

The City Manager recommended that his office be authorized to inform Captain Guy that the property would be available for this purpose after all legal entanglements have been cleared and all necessary facts developed.

Following a discussion, Councilman Mulvaney moved that the recommendation of the City Manager be approved, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman McRary brought up the matter of the recent survey made by the American Insurance Association, successor to the National Board of Fire Underwriters.

The City Manager advised that the report is still confidential as requested by the Association, but that the contents will be made public within two weeks, adding that some of the recommendations in the report have already been met and others are in process of being carried out.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 16, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 16, 1965, at 4:00 o'clock P. M. with Mayor W. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, W. F. Algary, T. R. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager explained that the State Highway Commission had expressed willingness to extend the encroachment upon the right of way for the Expressway to permit free public parking between Elizabeth Place and Bra[illegible]

Councilman Morgan then introduced a resolution authorizing Mayor to execute amendment to agreement with State Highway Commission relating to encroachments upon right of way for Asheville Expressway, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 472.
Copy of Amendment will be found attached to original resolution.

The City Manager stated that upon advice of the Corporation Counsel a resolution setting the date of a public hearing for consideration of extension of zoning for one mile beyond the city limits had been prepared, and, since much field work would have to be done in preparation of such zoning ordinance, it was felt it would be best to get the public reaction to such zoning before this work was done.

Councilman Algary stated that by enacting such zoning ordinance the city would be guaranteeing proper zoning to people outside of the city who are not paying city taxes, and he thought such property should be annexed to the city. Mayor Eller stated he does not think the county is assuming its obligation in this matter. Councilman Sumner concurred, and stated he was not in favor of such zoning unless the city had the right to annex.

The City Manager advised that he thought the city could annex only on petition or by vote, and Councilman Algary stated the state law provides for annexation by enactment of an ordinance.

The City Manager stated he would investigate this point before the date set for the hearing, which is January 6th.

Following the discussion Councilman Mulvaney introduced a resolution setting date for public hearing for consideration of the extension of zoning for one mile beyond the city limits in all directions, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 473.

The City Manager advised that it had been called to his attention by Mrs. Grace W. Kouns, Terrell Caldwell, [illegible] E. Ponder and R. M. McCoy that the property formerly occupied by the Asheville Livestock Yard on Riverside Drive is no longer available for this purpose, and these citizens have requested the City to enter into a twenty-five year lease [illegible] remaining property owned by the City on Riverside Drive south of Pearson Bridge in order that the Livestock Yard [illegible] continued. The City Manager advised that the property has a frontage of 672 feet on Riverside Drive and an appraised value of $27,000.00, and requested the Council's views on rental for this property, in order that lease may be prepared.

Councilman Sumner stated he thought the present appraisal was too low, and that the property should be reappraised every five years.

Councilman Algary suggested a rental of $175.00 for the first five years, $200.00 a month for the next five years, and an increase of $25.00 per month for each five year period thereafter.

The City Manager suggested that the lessees be required to pay the ad valorem taxes on the property in addition to the rent.

Councilman Algary then moved that the rate be set at $175.00 for the first five years, $200.00 for the second five years, $225.00 for the third five years, $250.00 for the fourth five years, and $275.00 for the remaining five years, with the lessees paying the ad valorem taxes, which motion was seconded by Councilman Morgan.

Councilman Sumner stated he thought this was too low.

Upon a vote being taken the motion passed, with Councilman Sumner voting no.

The City Manager presented the audit of the City of Asheville for the period ending November 30, 1965.

The City Manager presented each member of the Council with a 1964-1965 Progress Report as prepared by the [illegible] Development Commission of the City of Asheville.

Councilman Mulvaney called attention to the 1965 legislative act, effective January 1st, which requires that all water heaters sold and installed in North Carolina meet revised state standards for safety, pointing out that there may be some heaters with dangerous fittings in use, and urged all householders to have their water heaters inspected by plumbers to make sure they are safe.

The City Manager advised that the Plumbing Inspector for Buncombe County under the Health Department will be responsible for enforcing the new law.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 23, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 23, 1965, at 4:00 o'clock P. M. with Mayor W. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. R. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Robert D. Lewis, Agent, offering to purchase the old Riverside Park property [illegible] a front foot or approximately $26,880.00.

The City Manager advised that Mr. Lewis represented the group interested in the property on a lease basis, [illegible] if the Council wishes to consider the purchase offer, it will be necessary to pass a resolution authorizing a public sale after due notice.

Councilman Sumner stated he thought the offer was too low, and also that a new appraisal should be made.

The Council concurred that a new appraisal should be made, and the City Manager was authorized to secure [illegible]

Following the discussion, Councilman Sumner introduced a resolution authorizing City Manager to advertise [illegible] public sale certain property on Riverside Drive, which was, upon motion of Councilman Sumner, seconded by Councilman [illegible] unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 474.

The City Manager advised that Councilman Algary was correct in his statement of last week concerning annexa[illegible] and that state law permits a municipality to annex adjoining areas by enactment of an ordinance providing certain [illegible] requirements are met.

The City Manager advised that a survey was made last spring by the American Insurance Association, and that he had been advised by Mr. Scott of the North Carolina Fire Insurance Rating Bureau that unless the city complies with eleven of the twenty-four recommendations made in the report that Asheville's fire insurance classification will be changed from Class 4 to Class 5.

Mr. W. D. McLean, representing the Asheville Insurance Agents Exchange, advised that the classification change would bring an increase of about five per cent on insurance premiums for residences, except for a large property covered by homeowners policies for which there would be no increase, and the premium increase on commercial properties would be approximately ten per cent.

The City Manager advised that he had submitted a proposal to the North Carolina Rating Bureau for reconsideration of the recommendations in the hope that the Class 4 rating may be retained; that the Fire Department has a splendid record of protection over the years, and that he doesn't understand the demands, but that every effort will be made to meet them within the limits of the budget.

Mr. Jack Hoolins of Guaranty Mobile Homes Mart asked if the city's new Sunday sales law prohibits the holding of a Sunday "open house" to show mobile homes to prospective purchasers when no actual sales would be made.

The City Manager advised that interpretation of the Sunday law is a matter for the courts to decide.

Councilman Alvarez discussed the proposed extension of zoning one mile beyond the corporate limits, stating that he is in favor of the one mile zoning extension, but that this is only the first step in promoting the city's orderly growth, and proposed that after the extension all developed areas bordering the corporate limits should be annexed into the city to be followed by a further extension of the zoning area, and as newly zoned areas become developed they should be annexed, thus providing an orderly, systematic way for the city to grow.

The City Manager pointed out that fulfilling the legal requirements for annexation is a serious matter that will require much study.

The City Manager pointed out that this Christmas season the real Christmas spirit is being followed and that there are many instances of help being offered to those in need.

Councilman Sumner moved that the City Council wish all city employees a Merry Christmas, which motion was seconded by Councilmen Crouch and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 30, 1965 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 30, 1965, at 4:00 o'clock P. M. with Mayor L. V. Ellis presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled Rolling Green.

December 29, 1965

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Rolling Green," prepared for Pioneer Land Development Co. Inc. by Hollowell Borum and Associates, Engineers, and dated November, 1965, shows the subdivision of land in Haw Creek.

The Asheville Planning and Zoning Commission gave preliminary approval to this plat on October 13, 1965. It is recommended that this plat be given your final approval.

Sincerely yours,

RMY:nr
Encl:

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

Councilman Morgan moved that this plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

Councilman Morgan introduced a resolution reappointing Robert F. Phillips as Commissioner Number Four of the Housing Commission for Buncombe County, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, duly adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 475.

Miss Fann McCoy protested the Urban Renewal program.

Mr. Alfred Salley, representing Miss Marjorie Pearson, advised that Miss Pearson and many other people living in Richmond Hill and Montford Hills objected to the sale of the property on Riverside Drive for a livestock market.

Mr. W. C. Hutchison of Bear Creek Road requested the Council to take steps to expedite the appointment of a Traffic Safety Council.

He was advised that the Asheville Coordinating Committee has been meeting with representatives of state and regional safety councils and that the local organization is being geared to the statewide effort, and is following a pattern set up by the national and state safety commissions.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, January 6, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 6, 1966, at 4:00 o'clock P. M. with Mayor L. V. Ellis presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, Robert P. Crouch, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending amendments to the Zoning Ordinance to include day nurseries and kindergartens as a permitted use in RA-5, RA-6 and RA-8 Residential Districts, and to clarify the front yard requirements in various residential districts as to through lots.

January 5, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission voted unanimously to recommend to City Council amendments to the Asheville Zoning Ordinance as follows:

(1) To include day nurseries and kindergartens as a permitted use in the RA-5, RA-6, and RA-8 Residential Districts; and

(2) To clarify the front yard requirements in the various residential districts with respect to through lots and to incorporate the requirement for a front yard on both streets of through lots in the RA-M District where there is now no such provision.

The proposed amendments are attached for your consideration.

Sincerely yours,

AR:nr
Encl

S/ Anthony Redmond
Anthony Redmond
Secretary.

AMEND ORDINANCE 322 AS FOLLOWS:

1. Section 2.1 RA-10 Residential District

Strike the last sentence in Subsection D. which now reads

"Through lots shall have the required front yard on both streets."

Insert in lieu thereof:

Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

[illegible] 2 [illegible]

[illegible] section D. which now read:

"... shall have the required front yard on both streets."

[illegible]

"Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard [illegible] requirements, except that one such yard shall be measured from the front property line to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line."

[illegible] RA-5 Residential District

[illegible] the last sentence in Subsection D. which now reads:

"... shall have the required front yard on both streets."

[illegible]

"Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard [illegible] requirements, except that one such yard shall be measured from the front property line to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line."

[illegible] RS-8 Residential District

[illegible] the last sentence in Subsection D. which now reads:

"... shall have the required front yard on both streets."

[illegible]

"Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard [illegible] requirements, except that one such yard shall be measured from the front property line to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line."

The City Manager advised that the above would be an amendment to the zoning law, and that public notice of [illegible] is required. The City Manager suggested that the Clerk be authorized to give public notice of hearing to be held on this matter on January 27, 1966.

Councilman Sitterson moved that such action be taken, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of a plan of development known as "The Shelburne", an apartment development in West Asheville.

January 6, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached set of plans indicates the construction of a forty-eight unit apartment development in West Asheville. This development, to be known as "The Shelburne" is proposed to be built on Shelburne Road, between Sand Hill Road and Brevard Road.

These plans, prepared by C. G. Harrill, Architect, and dated November 12, 1965, were given preliminary approval by the Asheville Planning and Zoning Commission on January 5, 1965. It is recommended that these plans be given final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Sitterson moved that the plans be approved, which motion was seconded by Councilman McBrayer and unanimously adopted.

A petition was received requesting the rezoning of additional lots on Marcella Street.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A request was received from the attorneys for Town and Country Shopping Center requesting the rezoning of [illegible] 363 1/4, 363 1/2, 740, Sheet 16 Ward 4.

There was a discussion concerning this request, and Councilman Albary requested that the entire area be [illegible] in such rezoning.

Following the discussion this request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Edmund P. Caine and Katherine J. Caine stating that if their property described as [illegible] 32, Sheet 2 was exempt as a farm that they would not oppose extension of zoning one mile beyond the corporate limits but if such property is included in zoning, they oppose extending such zoning.

The City Manager advised that today is the date set for the public hearing to consider the request of the Commissioners that zoning be extended one mile beyond the corporate limits; that due notice of such hearing has been given; and that a resolution directing the Planning and Zoning Commission to proceed with the study of such zoning extension has been prepared. The City Manager further advised of the procedure involved before such zoning could become effective.

Mr. I. W. Annis, spokesman for a Haw Creek group, presented a petition bearing the names of 115 residents of the area who opposed the zoning extension, and he also asked for an explanation of the City Council's purpose in considering such zoning, and requested that this matter be tabled.

The City Manager advised that the action was requested by the Board of County Commissioners to promote the orderly development and growth of the area. The City Manager further advised that the question of annexation is not being considered at this time, but that under state law the City has the right to annex contiguous property upon compliance with the requirements of the statute.

Mr. W. V. Henry of Starnes Cove Road and C. C. Hughes of Sand Hill Road also spoke in opposition to the extension of zoning. Mr. Grover Redmon questioned the effect of such zoning on development already under way, and was advised that this would be governed by public records.

Mr. J. M. Coleman, Chairman of the Planning and Zoning Commission was present to answer questions, and advised that annexation had never been considered in the Commission's recommendation for one mile zoning.

Councilman Morgan introduced a resolution directing the Planning and Zoning Commission to proceed with the study of zoning of all property within one mile of the corporate limits of the City of Asheville, as provided by Section 160-1.2 of the General Statutes of North Carolina, which was upon motion of Councilman Morgan, seconded by Councilman Albary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 476.

The City Manager presented the statement showing the budget position of the city for the period ending December 31, 1965.

The City Manager presented the Annual Report of the Sinking Fund Commission.

Mr. Alfred Salley, representing property owners in the neighborhood of the property proposed to be sold on Riverside Drive, again appeared before the Council to protest the sale of this property for a livestock market. Also appearing on this behalf were Mr. J. M. Coleman, Mr. Earl McGuire and Mr. George Benning.

The City Manager stated that this new evidence will be carefully considered, but pointed out that the Asheville Livestock Yard represents more than a million a yearly in the economy of Asheville, and the city has an interest in maintaining this operation in the Asheville area.

Councilman Sumner again stated that he thought the proposed price was too low, and then moved that the sale be withdrawn, which motion was seconded by Councilman Crouch.

Councilman Morgan then moved that a decision on this matter be deferred until next week, which motion was seconded by Councilman Albary, and upon a vote being taken on the substitute motion it was adopted with Councilman Sumner voting no.

[illegible] president of the Miracle Mile Association, together with other [illegible] and near the Tunnel Road problem, and requested that the City Co[illegible] State Highway Commission.

[illegible] matters already been considered, and that Council members plan [illegible] to present special session on legislative reapportio[illegible]

[illegible] meeting was upon motion adjourned.

[illegible]

[illegible] Thursday, January 13, 19[illegible] - 4:00 o'clock P. M.

[illegible] Thursday, January 13, 1966, at 4:00 o'clock P. M. with Ma[illegible] Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. [illegible] Weir and Corporation Counsel O. E. Starnes, Jr.

[illegible] was read and approved.

[illegible] property owner was received protesting the rezoning of the property on [illegible] Street.

[illegible] the Planning and Zoning Commission

[illegible] Robert P. Lewis, Agent for the Asheville Livestock Yard, withdrawing [illegible] request to purchase, being.

Council on motion duly made and carried, unanimously, that the withdrawal be accepted, and that the proposed sale be cancelled, [illegible] Councilmen McRary and unanimously adopted.

Council [illegible] the large delegation present to protest the proposed sale on their [illegible] if the property was sold for more than 365 days a year they would have one of the [illegible] in North Carolina.

[illegible], spokesman for the protesting group, thanked the Council for their action, and [illegible] that the area will not be sold for other uses which would be damaging to the nearby residen[illegible]

[illegible] that since the property is zoned industrial almost any type of industry is [illegible]

The City Manager explained the legal procedure involved in a sale of city-owned property and [illegible] how it may easily be requested.

[illegible] petitions, several hundred names were filed with the City Clerk.

There being no further business, the meeting was upon motion adjourned.

[illegible]

CITY CLERK

Thursday, January 20, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 20, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, Robert P. Crouch, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending rezoning the property fronti[illegible] on Marcellus, Maxwell and Bordeaux Streets from RA-M District to Neighborhood Trading Area.

January 20, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Planning and Zoning Commission held a called meeting on Tuesday, January 18, 1966, for the purpose of considering the request of Mrs. Elizabeth Gage, Mr. A. G. Carver, Jr., and others. The following action was taken:

It was moved, seconded, and passed that the Commission recommend that the following described property be rezoned from RA-M District to Neighborhood Trading Area:

Property fronting on Marcellus, Maxwell, and Bordeaux Street and being Lots 24, 27, 27-1/4,

27-1/2, 28, 29, 30, 31, 32, 32-1/2, 33, 33-1/2, 34, 34-1/4, 34-1/2, 35, 35-1/2, 36, 37, 37-1/2, 38 and 38-1/2, Sheet 3, Ward 2.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:mr

The City Manager advised that the above would be an amendment to the zoning law, and that public notice of at least fifteen days is required. The City Manager suggested that the Clerk be authorized to give public notice of a hearing to be held on this matter on February 10, 1966.

Councilman Sumner moved that such action be taken, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Sumner introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 477.

Councilman Sumner commented on the long service Mr. Walter I. Abernethy rendered the city, and requested that a resolution regretting his death be prepared for action at the next meeting of the Council.

The City Manager advised that because of the construction of the West Asheville-Weaverville Connector (NC 191) it is necessary to relocate certain city water and sewer facilities, and that the State Highway Commission will share in the cost of certain of these relocations.

Councilman Mulvaney introduced a resolution authorizing Mayor to enter into agreements with the North Carolina State Highway Commission to relocate and eliminate conflicts with City of Asheville water and sewer facilities due to construction of State Highway Project 8.1904802 from Hominy Creek to Alabama Avenue, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 478.
Copies of agreements will be found attached to original resolution.

[illegible] GENERAL STATUTES

Councilman Morgan introduced a resolution requesting the Board of County Commissioners of Buncombe County to appoint members to the Planning and Zoning Commission for the City of Asheville under the provisions of Section 160-181.2 of the General Statutes of North Carolina, which was seconded by Councilman McRary.

Councilmen Sumner and Algary discussed the matter of county members being privileged to vote on city zoning matters, and the Corporation Counsel advised that the governing state statute permits the City Council to extend such privilege to the county members, but in the absence of specific action by Council the county members will not be able to vote on city zoning questions.

Following the discussion the resolution was unanimously adopted.
Complete copy of resolution will be found in Resolution Book #4 at page 479.

The City Manager advised that an appointment had been arranged with Governor Moore for the Council on Thursday morning at 10:30 for the purpose of discussing the traffic problem along Tunnel Road and related problems along Patton Avenue west of the Smoky Park Bridge, together with the North-South Freeway. The City Manager advised that he and the Council would fly to Raleigh, also have lunch with the Governor, and return to Asheville that evening.

The Council concurred in the arrangements, and the City Manager stated he would confirm the appointment.

Mr. Clyde Munn requested information on why his request that a portion of Happy Valley be annexed had not been acted upon.

The City Manager advised that there was some discrepancy in the description, and that engineers had not yet cleared this matter.

There being no further business, the meeting was upon motion adjourned.

[illegible]

CITY CLERK

Thursday, January 27, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 27, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that today is the date set for a public hearing on amendments to the Zoning Ordinance to clarify front yard requirements in various residential districts with respect to through lots, and to incorporate this requirement in the RA-M District, and to include day nurseries and kindergartens as a permitted use in the RA-5, RA-6 and RA-8 Residential District.

Councilman Sumner discussed the inclusion of day nurseries and kindergartens in RA-M Residential District.

Following the discussion, Councilman Mulvaney introduced ORDINANCE NO. 529, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the site plan for "The Shelburne", which has been approved by the Planning and Zoning Commission, and public notice has been given.

Councilman Algary moved that said site plan be approved, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Sumner introduced a resolution commemorating Walter I. Abernethy, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, and after having been read in full, unanimously adopted.

RESOLUTION COMMEMORATING WATER I. ABERNETHY

WHEREAS, Walter I. Abernethy served four terms as a member of this Council, serving also as Vice-Mayor during a part of said terms down until his resignation in 1955; and

WHEREAS, both before his election to this Council, and subsequent to his resignation therefrom, he served with dedication, devotion and outstanding success on many boards and agencies of the City of Asheville, along with service to positions of leadership to his church, the First Presbyterian Church, and also worked with distinction in the Asheville Kiwanis Club, the Asheville Chamber of Commerce, Asheville Federal Housing Commission, and the Family Life Council, and for the last several years served as Chairman of the City of Asheville Board of Alcoholic Control; and

WHEREAS, he passed on from this life to his eternal reward on January 17, 1966, and will be long and affectionately remembered by this Council and all of his many friends; and

WHEREAS, it is deemed fitting that his death be officially commemorated;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the Council of the City of Asheville hereby officially states in the permanent minutes of the city its loss and sorrow at the death of Walter I. Abernethy, a personal friend and long acquaintance of the members of this Council, and an outstanding citizen of Asheville and western North Carolina, and the City Clerk is hereby directed to send a copy of this resolution to his wife and family.

I move the adoption of the foregoing resolution.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 27 day of January, 1966.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #4 at page 480.

Councilman Algary introduced a resolution relating to Community Facilities, and explained the purpose of the resolution, expressing the opinion that it would be proper from time to time for the Council to consult with the architects on this matter.

The City Manager pointed out that there were many groups interested in the several fields of culture and educational life of the city, and it is expected that these groups will meet with the Council, the City Manager, and the architects in order to develop plans for the community facilities, taking into consideration uses which may be made of present buildings. From this - facts will be developed in order that the Council and the public may make a decision on a solution to the problems.

Councilman Algary advised that a national expert has made recommendations to the Chamber of Commerce on a Convention Center, said recommendation being against a building for conventions only and in favor of a multi-purpose structure. Councilman Algary suggested that the present City Auditorium could be remodeled as a library.

Councilman Sumner suggested that the City Building could be used as a library. Councilman Sumner objected against employing architects for the facilities, stating that the Metropolitan Planning Board could do this work at no cost, and also discussed the architectural fees involved, and how much the tax rate would have to be raised to pay for a bond issue for the new facilities.

Councilman Algary advised that the Metropolitan Planning Board has no staff architect and cannot provide cost estimates.

The City Manager stated that all suggestions by Councilmen will be carefully considered, and that the architects will also report possible federal participation and the feasibility of city financing.

Following the discussion, the resolution was, upon motion of Councilman Algary, seconded by Councilman Crouch, adopted with Councilman Sumner voting no. Complete copy of resolution will be found in Resolution Book 4, at page 481.

The City Manager advised that the Engineering Department had prepared a description of the property requested to be annexed by Clyde Munn in the Haw Creek section, and that a resolution setting date of public hearing to consider this matter had been prepared.

Councilman Sumner introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property located in the Clyde Munn Subdivision off Bell Road, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, at page 482.

The City Manager advised that a ruling of the Attorney General makes it necessary for the City Council to set the salary of Robert N. Grice as Supervisor of the City of Asheville Board of Alcoholic Control, since he is also serving as a member of said Board.

Councilman Mulvaney introduced a resolution establishing salary for the Supervisor of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, at page 483.

The City Manager advised that there is a 1965 supplement to the Fire Prevention Code recommended by the American Insurance Association, and that this amendment should be included in the Fire Prevention Code of the City of Asheville.

Councilman Mulvaney moved that the Corporation Counsel be requested to prepare an ordinance adopting this 1965 supplement to the Fire Prevention Code, which motion was seconded by Councilman Sumner and unanimously adopted.

The City Manager stated that due to weather conditions it had been necessary to postpone the trip to Raleigh to discuss traffic problems with the Governor, and that this conference would be rescheduled at an early date.

Councilman Sumner brought up the matter of the East Riverside Urban Renewal Project, stating that the Redevelopment Commission has started work, and that the Council Has not yet approved this project.

Councilman Algary stated that the Commission is now using a federal planning and development grant for a feasibility study of the area, and that a detailed report will be presented to the Council.

Councilman Sumner also discussed the tearing down of unoccupied substandard houses, and was advised that due legal process is required before these houses can be razed.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 3, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 3, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Dr. Robert [illegible], Crouch, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a revised plat of "Springtime" and stating that the developers request that such portions of the old right-of-way of Waters Road, Wake

Robin Way, and Cross-Over Road as traverse the subdivision as shown on revised plat and which is not a part of the present right-of-way of above mentioned streets be withdrawn from the public domain.

February 3, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

Mr. Joseph Mongovis, developer of "Springtime", a subdivision in Haw Creek, has requested the Planning and Zoning Commission to approve a revised plat of his subdivision.

The original plat surveyed by Mr. Ray Anders, dated January 24, 1963, and recorded in Plat Book 34, Page 22, was found to have certain surveying inaccuracies. A new plat was prepared by B. S. Colburn and Company and dated January, 1966.

The Planning and Zoning Commission at its regular meeting on February 2, 1966, reviewed the above plats and voted unanimously to recommend to City Council that the revised plat be substituted.

In order to clarify any question over the location of a public street right-of-way, the developers of "Springtime respectfully request that such portions of the old right-of-way of Waters Road, Wake Robin Way, and Cross-over Road as traverse the subdivision, as shown on the revised plat and which is not a part of the present right-of-way of the above mentioned streets, be withdrawn from the public domain.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

The City Manager advised that in order to close a street or portion thereof a written request must be presented to the Council by the developer, and a public hearing held after due notice as provided by law.

Councilman McRary moved that the revised plat of "Springtime" be approved under the provisions of Ordinance 424, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from Anthony Redmond, attorney for Asheville Steel Company, requesting that the old right of way of Meadow Road which traverses the property of Asheville Steel Company and which is not a part of the present right of way of Meadow Road be withdrawn from the public domain and the City of Asheville quitclaim any interest it has in the property to Asheville Steel Company, in consideration for which the Asheville Steel Company will convey to the City of Asheville without cost the easement for the present right of way of Meadow Road for road purposes as the same traverses and lies within the property of Asheville Steel Company.

A letter, accompanied by a number of petitions, was received from the Montford Richmond Community Club requesting the rezoning of any industrial or commercial area for 1,000 feet each side of the planned Weaverville Bypass from the Southern Railroad bridge north to the city limits to Neighborhood Trading Area; and further if Asheville city limits are extended north along the French Broad River and the Weaverville Bypass, that the newly annexed area between the present city limits and the Broadway Interchange of the Weaverville Bypass be zoned Neighborhood Trading Area.

Mr. Lloyd P. Miller, speaking for several other property owners, appeared before the Council in opposition to this zoning request. He was advised that the matter will be referred to the Planning and Zoning Commission for study and recommendation, and that the Commission will hold a public hearing.

Following the discussion, the request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 529, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 484.

Councilman Mulvaney introduced a resolution appointing member to the Metropolitan Sewerage District Board,

which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 485.

Councilman McRary introduced a resolution providing for a public hearing on request to close and abandon any public interest in a public right-of-way traversing the property of the Asheville Steel and Salvage Company, being a portion of the old right-of-way of Meadow Road, which was seconded by Councilman Crouch.

Councilman Algary discussed the widening of Meadow Road, and said he thought this should be developed into a four-lane highway, and the city should look into the securing of rights-of-way.

The City Manager advised that information would be developed on this.

Following the discussion, the resolution was unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 486.

The City Manager presented the audit report of the City of Asheville Board of Alcoholic Control for the period ending December 31, 1965.

Councilman Algary discussed the allocation of road bond money, stating it was his understanding that the State Highway Commission planned to use the city's share toward construction of a new tunnel north of the present Beaucatcher Tunnel and to a proposed north-south freeway, which he thought was unfair since bond money was to be applied to all major streets. Councilman Algary further stated that the city has always cooperated with the State Highway Commission, such as land at the Asheville Airport for the right-of-way for Interstate 26 and other matters.

The City Manager stated that the use of Asheville's share of the highway bond money would be by formal agreement between the City and the Highway Commission.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 10, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 10, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A certified copy of a resolution of the Board of County Commissioners of Buncombe County appointing Joe A. Ramsey, W. Herbert DeWeese, E. B. Roberts, Coleman Jones, and William C. Sayre as members of the Planning and Zoning Commission was received.

A letter was received from Scott Dillingham requesting the rezoning of 67 lots, containing approximately ten acres, fronting on Amboy Road.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 529, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 529

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING

FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the last sentence of Subsection D. of Section 2.1 RA-10 RESIDENTIAL DISTRICT reading as follows: "Through lots shall have the required front yard on both streets." be deleted from said Ordinance and the following inserted in lieu thereof:

> Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

(2) That the last sentence of Subsection D. of Section 3 RA-8 RESIDENTIAL DISTRICT reading as follows: "Through lots shall have the required front yard on both streets." be deleted from said Ordinance and the following inserted in lieu thereof:

> Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

(3) That there shall be inserted in Subsection A. Permitted Uses. of Section 3 RA-8 RESIDENTIAL DISTRICT immediately following #11. another paragraph to be known as #12. as follows:

> 12. Day nurseries and kindergartens with an outdoor play area equivalent to at least two hundred (200) square feet per pupil.

(4) That the last sentence of Subsection D. of Section 4 RA-6 RESIDENTIAL DISTRICT reading as follows: "Through lots shall have the required front yard on both streets." be deleted from said Ordinance and the following inserted in lieu thereof:

> Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

(5) That the last sentence of Subsection D. of Section 5 RA-5 RESIDENTIAL DISTRICT reading as follows: "Through lots shall have the required front yard on both streets." be deleted from said Ordinance and the following inserted in lieu thereof:

> Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

(6) That immediately following the last sentence in Subsection E. of Section 3.1 RA-M RESIDENTIAL DISTRICT there shall be inserted a new paragraph as follows:

> Through lots. Both street sides of through lots shall be considered as front yards and shall conform to the front yard depth requirements, except that one such yard shall be measured from the front property line of one street to the front line of the main building and the other such yard shall be measured from the front property line of the other street upon which the lot fronts to the nearest line of the building closest to such property line.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes on the map hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of January, 1966.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 10 day of February, 1966, to become effective 25 day of February, 1966.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

The City Manager advised that leases for certain space in the Airport Terminal Building occupied by the Federal Aviation Agency had expired, and said Agency had requested that said leases be renewed.

Councilman Crouch introduced resolution directing Mayor to execute leases on behalf of the city with the United States of America relating to space in the Terminal Building located at the Asheville Airport, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 1.
Copies of leases will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Arthur A. York and wife, Virginia W. York, for operating off-street parking facility by city, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 2.
Copy of lease will be found attached to original resolution.

The City Manager advised that today is the date set for the public hearing on the requested rezoning of property fronting on Marcellus, Maxwell and Bordeaux Streets, and that Rex Guthrie, who had previously filed a petition opposing such rezoning, had withdrawn his opposition.

There being no opposition, Councilman Mulvaney introduced Ordinance #530, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager stated that he had been requested by State Highway Commissioner J. G. Stikeleather, Jr. to advise the Council that the State Highway Commission would hold its regular May meeting in the City of Asheville on May 5th.

The City Manager further advised that W. F. Babcock, State Highway Administrator; Cameron W. Lee, Chief Engineer; R. W. McGowan, Assistant Chief Engineer; Billy Rose, Assistant to the Administrator of Highways, and Mr. Prince will be in Asheville next week, and will be present at next week's Council meeting to discuss highway problems in the Asheville area.

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1966.

Miss Fannie McCoy spoke in opposition to fluoridation.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 17, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 17, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 530, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

The City Manager introduced Mr. James G. Stikeleather, Jr., Highway Commissioner for the 13th Division, who presented Mr. W. F. Babcock, State Highway Administrator. Also present were Mr. R. W. McGowan and Mr. Prince. Mr. Babcock advised that because of an automobile accident Mr. Cameron Lee was not able to come to Asheville.

Mr. Babcock discussed the use of the three hundred million dollar bond money as it affects cities, advising that this money is to be used on existing state highway system streets within cities or streets which will become a part of the highway system, the amount allotted to the City of Asheville by the legislative act being $2,360,400, and that a Priorities Committee of the State Highway Commission has been established to put the program into effect.

Mr. Babcock advised that the Highway Commission makes the following recommendations to the City for its part of this fund:

(1) Widening Tunnel Road to five lanes, bond money to be used for construction estimated at $100,000.00.

(2) Widening Patton Avenue from four to six lanes from Hanover Street west of Smoky Highway Bridge to Johnston Boulevard, estimated at $550,000.00.

(3) Widening Merrimon Avenue from Broadway to the city limits, estimated at $750,000.00.

(4) Making preliminary studies for improving US 25 from vicinity of Interstate 40 to central business district.

(5) Improving of NC 81 from US 74 to French Broad River.

Mr. Babcock stated that Federal Aid funds are set up on a five year program, and the General Assembly appropriates money to match these funds.

Mr. Babcock advised that a new tunnel through Beaucatcher Mountain is set up as an approved project, but its construction cannot be started until the connector route has been designed and it is hoped that this design can be worked out in the near future. He further stated that since the connector and tunnel are inside the city the General Statutes require the city and state to share the cost of the rights-of-way, and recommends that the state pay 75% and the city 25% of these costs.

Mr. Babcock advised that the new bridge across the French Broad River has been approved in principle as a part of the Appalachian Regional development program, but the Appalachian Regional Commission will decide the construction date.

Regarding the North-South Freeway, Mr. Babcock stated that much more study was needed on this, since there are unresolved difficulties in designing an interchange with the Crosstown Expressway, and that preliminary designs will be required.

Mr. Babcock answered questions of Council members concerning the various projects.

The Council was in accord with the recommendations of the Highway Commission regarding the road bond money.

The City Manager thanked Mr. Babcock and his associates for their interest in the city's traffic problems, and Mr. Stikeleather stated they were appreciative of the opportunity to speak and welcomed the opportunity to work with the city.

Mr. Perry Alexander, representing a group who opposed the enactment of the Sunday Closing Ordinance, complained that said ordinance was not being enforced.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 24, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 24, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by a number of citizens was received requesting bus service and fire hydrants for Hi Alta, Appalachian Way, Beaverview Road, Huffman Road, and Lakeside Drive.

The City Manager advised that the installation of fire hydrants is in the planning stage, and that the matter of bus service will be taken up with the White Transportation Company.

Ordinance No. 530, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman

Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 530

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-M District to NEIGHBORHOOD TRADING AREA:

Property fronting on Marcellus, Maxwell and Bordeaux Street and being Lots 24, 27, 27-1/4, 27-1/2, 28, 29, 30, 31, 32, 32-1/2, 33, 33-1/2, 34, 34-1/4, 34-1/2, 35, 35-1/2, 36, 37, 37-1/2, 38 and 38-1/2, Sheet 3, Ward 2

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of February, 1966.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 24 day of February, 1966, to become effective 11 day of March, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that, as requested by the Council, an ordinance adopting the 1965 Fire Prevention Code recommended by the American Insurance Association had been prepared.

Captain Dalton of the Fire Department was present and answered questions concerning the new code.

Councilman Algary introduced Ordinance No. 531, being "AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, SUCCESSOR TO THE NATIONAL BOARD OF FIRE UNDERWRITERS (1965 EDITION), AND APPROPRIATE LOCAL CHANGES THEREIN", which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary requested information on registration requirements, and was advised that residence in the state of one year and in the precinct of thirty days prior to the date of election is required.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 3, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 3, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Herschel S. Harkins resigning as a member of the Asheville Zoning Board of Appeals.

Councilman Morgan moved that this resignation be accepted with regret, and that a letter of appreciation be forwarded Mr. Harkins for his long and faithful service as a member of this Board, which motion was seconded by Councilman Algary and unanimously adopted.

Ordinance No. 531, being "AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, SUCCESSOR TO THE NATIONAL BOARD OF FIRE UNDERWRITERS (1965) EDITION, AND APPROPRIATE LOCAL CHANGES THEREIN, was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "yea"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the request of Clyde Munn to annex his property in the Haw Creek section adjoining Happy Valley.

There being no objection, Councilman Morgan introduced Ordinance No. 532, being "AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "yea"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney introduced a resolution appointing member to Board of Adjustment under Ordinance #322, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 3.

The City Manager advised that negotiations had been under way with Mr. Edward Alfriend, owner of the Legal Building, to extend the lease for the western ground floor of this building for library purposes, and that Mr. Alfriend had agreed to a three year extension.

Councilman Crouch introduced a resolution authorizing Mayor to execute agreement extending prior lease of #10 South Pack Square for public library purposes, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 4.
Copy of lease will be found attached to original resolution.

Mrs. Melvin Taylor, vice president of the Asheville Garden Club, spoke to the Council on beautification and a clean-up drive, stating that such action requires cooperation of private citizens and city government, and requested the appointment of a 21 member committee to carry out a continuing citywide litter prevention program, such committee to include leaders in business and industry and representatives of civic clubs.

Mayor Eller thanked Mrs. Taylor for her presentation, and asked her cooperation in selecting the committee.

The matter was referred to the City Manager, who will meet with the group at an early date and develop recommendations of personnel of the committee for action by the Council.

Councilman Algary brought up the matter of cable television, and requested that action be taken to get this program off the ground, advising that he receives inquiries daily as to the status of the CATV.

The Corporation Counsel advised that suit has been instituted regarding this matter, and the action is now pending. Mr. Starnes further advised that he had attempted to try to work the matter out with opposing counsel, but there seemed to be no basis for discussion, and that he knows of no statutory provision for advancing cases on the calendar because the city is a party. However, Mr. Starnes stated that he will meet with the Calendar Committee as soon as possible and make every effort to get this case on the docket for trial.

Mayor Eller advised that the North Carolina League of Municipalities is sponsoring a meeting of representatives of the twelve largest member cities in Greensboro on March 23rd, and urged the members of the City Council to attend this meeting. The meeting is for the purpose of discussing mutual revenue problems, federal aid programs, and League activities.

Councilman McRary inquired of a site has been found for the Asheville Livestock Market, and the City Manager advised that a number of sites have been investigated through the cooperation of the Agricultural Council and other organizations, but a suitable one has not yet been found.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, March 10, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 10, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, F. M. Mulvaney, T. R. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from L. S. & M. Building Co., Inc., requesting that its property to be known as "Eastwood Forest", being part of lot 19½, Haw Creek Township, Ward 8, Sheet 32, be annexed to the City of Asheville.

The City Manager advised that it would be necessary to secure a metes and bounds description of this property, and hold a public hearing on the proposed annexation after due advertisement.

The request was referred to the City Manager to procure the necessary description.

A letter was received from C. Lyman Roland, Jr. protesting the Sunday Closing Ordinance.

This was received as information by the Council.

The City Manager advised that it has been suggested by the Smoke Abatement Department that Section 12 of Ordinance 531 be amended as follows:

12.

That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed. However, this shall not be construed so as to repeal other and more stringent requirements, rules or regulations enforced by the Air Pollution Control Division.

Following a discussion, Councilman Mulvaney moved that this amendment be incorporated in the ordinance, which motion was seconded by Councilman Morgan and unanimously adopted.

Thereupon, Ordinance #531, being "AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, SUCCESSOR TO THE NATIONAL BOARD OF FIRE UNDERWRITERS (1965 EDITION), AND APPROPRIATE LOCAL CHANGES THEREIN", as amended at this meeting, was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted " aye" — Councilman Crouch voted "yea"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "yea

ORDINANCE NO. 531

AN ORDINANCE ADOPTING THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION, SUCCESSOR TO THE NATIONAL BOARD OF FIRE UNDERWRITERS (1965 EDITION), AND APPROPRIATE LOCAL CHANGES THEREIN

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1.

Section 12-18 of the Code of Ordinances of the City of Asheville is hereby repealed and in lieu thereof the following is adopted:

Section 12-18. ADOPTED

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1965 Edition thereof, Amendments thereto, and the whole thereof, save and except such portions as are deleted, modified or amended by

this article, of which code, as amended, not less than three (3) copies have been and now are filed as public records in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling within the limits of the city.

2.

In Section 12.21 (a) delete the number 15.201 and replace with the firgures 16.22.a.

3.

In Section 12.21 (b) delete the number 15.401 and replace with the figures 16.51.

4.

Section 12-22 of the Code of Ordinances of the City of Asheville is hereby repealed, and in lieu thereof the following is adopted:

Sec. 12-22. Establishment of limits in which bulk storage of liquefied petroleum gases is restricted.

The limits referred to in section 21.6a of the fire prevention code adopted by this article, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: In all residential areas, neighborhood trading areas, institutional districts and commercial districts as established, described and defined in the zoning map and Ordinance No. 322, as amended.

5.

Immediately following Section 12-22 add a new section to be called Section 12-22(a) as follows:

Section 12-22(a) Establishment of limits in which bulk storage of liquefied petroleum gases is prohibited.

Bulk storage of liquefied petroleum gases is prohibited in all fire districts as established, described and defined under Section 8-2 of this code.

6.

Section 12-32 is hereby repealed, and in lieu thereof the following is adopted:

Sec. 12-32. Section 11.2 amended.

Section 11.2 of the code adopted by this article is amended by deleting subsection a. thereof and inserting in lieu thereof the following:

a. "In rooms accommodating more than 75 persons, required exit doorways, other than those normally used for entrance, shall be plainly marked by approved exit signs, sufficiently illuminated when the floor area is occupied, to be readily distinguished. Where artifically illuminated, the room and exit ways therefrom, shall be so arranged and supplied that interruption of supply to any one lighting branch support will not result in extinguishment of all the lights necessary for safe exit from the room or of the lights along any exit way.

7.

Section 12-33 is hereby repealed.

8.

Section 12-34, Article 13. Partially deleted.

The following sections of Article 13 adopted by this article are hereby deleted: Sections 13.1, 13.2, 13.4, 13.5, and 13.6.

9.

Section 12-35. Section 14.6 deleted.

That Section 14.6 of the code adopted by this article is hereby deleted in its entirety.

10.

Section 12-36. Section 16.63 d. amended

That Section 16.63 d. of the code adopted by this article is hereby amended by deleting subsection d. and inserting in lieu thereof the following:

"d. Labeling. No sale or purchase of any Class I or II flammable liquids shall be made in containers, except safety containers which are clearly marked with the name of the product contained therein."

11.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

12.

That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed. However, this shall not be construed so as to repeal other and more stringent requirements, rules or regulations enforced by the Air Pollution Control Division.

13.

That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 24 day of February, 1966.

W. F. Algary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 10 day of March, 1966, to become effective 25 day of March, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 532, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "yea"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A letter was read from the State Highway Commission regarding the north-south freeway, Valley-Central route, and advising that design studies should be made going back to the original concept which would develop a facility in the vicinity of Valley Street and thence with a tie-in to Charlotte Street, and proposing to make this study in connection with possible improvements of US 25 from the southern city limits. Mr. Babcock further advised that they intended to look at other north-south proposals, one of which would consist of making Biltmore and Broadway a northbound street and Lexington Avenue a southbound street with major widening and improvement of Lexington Avenue between College Street and Patton Avenue where the block is very narrow, which, if developed, would handle a large amount of north-south traffic, and, with some Valley-Charlotte Street connection, would provide for a greatly improved local movement in and around the central business district.

The City Manager advised that this letter in effect placed the Urban Renewal Commission in position to proceed with the project.

Councilman Algary stated that he didn't see how this would help the business district, and, since a study had already been made, these things should be questioned.

The City Manager stated that a westward extension of the Civic Redevelopment project to take in the north side of Pack Square and properties between Spruce and Market Streets had not yet been decided by the Redevelopment Commission.

The City Manager advised that he had met with representatives of the Asheville Garden Club, and had received recommendations for appointment to the Citizens Action Committee on Beautification and Clean-Up, and that a resolution had been prepared.

Councilman Crouch introduced resolution appointing Citizens Action Committee on Beautification and Clean-Up, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 5.

The City Manager advised that a property owner, Paul Breidbach, wished to enter into a lease for the lake frontage at the Carolina Power & Light Company lake on his property.

Councilman Mulvaney introduced a resolution authorizing City Manager to enter into lease agreement with owner of property fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 6.
Lease will be found attached to original resolution.

The City Manager advised that due to the construction of Interstate 40 it is necessary to relocate a section of the existing transmission line of the Carolina Power & Light Company, and the said company has requested that the city execute an easement and right of way for said line for the sum of $400.00.

Councilman Morgan introduced resolution authorizing Mayor to execute easement and right of way to Carolina Power & Light Company, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 5 at page 7.
Copy of easement will be found attached to original resolution.

The City Manager advised that today is the date set for a public hearing on the request of Asheville Steel Company to close a portion of Meadow Road, being a public right-of-way traversing the property of the Asheville Steel Company, and that due notice of this hearing has been given.

There being no opposition, Councilman Algary introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a public right-of-way traversing the property of the Asheville Steel and Salvage Company, being a portion of the old right-of-way of Meadow Road, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 8.

The City Manager advised that the Asheville Steel Company had agreed to cooperate in event of any future widening of Meadow Road.

The City Manager presented the Annual Report of the Fire Department for 1965.

The City Manager presented the statement showing the budget position of the city for the period ending February 28th.

Councilman Algary discussed the budget, and the repair of city streets which have been heavily damaged this winter.

The City Manager stated that the State Highway Commission had advised that funds would be allotted to the Thirteenth District for emergency repairs, and the city would share accordingly, but the funds have not yet been allotted.

Councilman Algary discussed the matter of community antenna television, and suggested that this question be put on the ballot at the May 28th election, and stated that in his opinion this would cancel the present pending action and speed up this matter.

The City Manager advised that this matter should be referred to the Corporation Counsel for study, and that a report would be made to the Council.

Councilman Algary stated that a recent news broadcast concerning a water pressure deficiency to the home of a resident on Thurland Street had been called to his attention, and asked the City Manager to explain the situation.

The City Manager advised that Thurland Street turned off of Forest Hill Drive, and that part of this street has never been opened; that McClain Street and Keebler Road, other streets in the same vicinity have never been opened; that the resident reporting low water pressure does not have frontage on a public street; that a water pressure reading was taken at the meter, and this indicated a sufficient amount of pressure, but that the pressure and flow beyond the meter to the house was the responsibility of the property owner; and that the property is within the recommended distance from a fire hydrant.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 17, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 17, 1966, at 4:00 o'clock P. M. with Mayor E. W. Glazener, Jr. presiding. Present: W. P. Algary, Dr. Robert D. Crouch, F. M. Mulvaney, J. Walter McRary, City Manager Wellborn, and City Attorney Connell O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property between Patton Avenue and Hazel Mill Road, as requested by the Town and Country Shopping Center.

March 17, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held March 11, 1966 the following action was taken on the request of Town and Country Shopping Center (requested by Parla, Straus & Robinson):

It was moved, seconded, and unanimously passed that the Commission recommend that the following property be rezoned from RA-6 Residential District to Roadside Business Area:

...303-1/4, 363-1/2, 460, 360-1/4, 368-3/4, 395, 443, 441, 442, 446, 360-3/4, 447 and 451, Sheet 16, Ward 6; Lot 20, Sheet 17, Ward 6; and

That portion of Lot 359-1/4, Sheet 16, Ward 6, lying south of the southerly line of Lot 359-1/2, Sheet 16, Ward 6, and the extension of said line in an easterly direction from the southeasterly corner of said Lot 359-1/2 to the southwesterly corner of Lot 350, Sheet 16, Ward 6; and

That portion of Lot 350-3/4, Sheet 16, Ward 6, lying south of the southerly line of Lot 449, Sheet 16, Ward 6 and the extension of said line in an easterly direction from the southeasterly corner of said Lot 449 to the southwesterly corner of Lot 445, Sheet 17, Ward 6; and

That portion of Lot 350, Sheet 16, Ward 6, lying south of the southerly line of Lots 444 and 455, Sheet 16, Ward 6 and the extension of said line in an easterly direction from the southeasterly corner of said Lot 455 to the southwesterly corner of Lot 350-1/2, Sheet 17, Ward 6.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same. The motion was seconded by Councilman Crouch and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that no action be taken on the petition to rezone Riverside Drive filed by the Montford Richmond Community Club, but recommending that the land fronting Riverside Drive in the ownership of the city be designated as park and recreation sites, and that any lands hereafter required along the river and the Weaverville Bypass be likewise devoted to such use.

March 17, 19...

The Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held March 11, 1966, the following action was taken on the request of the Montford Richmond Community Club and the attached petitions containing approximately 300 names:

A motion was made, seconded, and passed as follows:

In view of the fact that the exact location of the Weaverville Bypass cannot at this time be determined and having in mind also the present uses which obtain to the east side of Riverside Drive particularly, it appears to the Asheville Planning and Zoning Commission that a change of zone at this late date would serve no useful purpose unless steps were taken for the eventual removal of such uses. However, the Planning and Zoning Commission recommends to City Council that such land that fronts Riverside Drive now in the ownership of the City be designated as park and recreation sites and that any lands hereinafter acquired along the river and the Weaverville Bypass be likewise devoted to such use. In view of the above, the Commission takes no action on the request to rezone filed by the Montford Richmond Community Club.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

The City Manager advised that the dedication of property for park purposes was a matter for the Corporation Counsel to study, and this recommendation was referred to the Corporation Counsel.

Mr. Ed Coulby, speaking for a delegation from the Montford-Richmond Community Club, read a letter asking the rezoning of this area to Neighborhood Trading Area and the designation of any city-owned land involved as park and recreation areas.

Following a discussion, the entire matter was referred back to the Planning and Zoning Commission upon motion of Councilman Mulvaney, seconded by Councilman Crouch, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning request made by Scott Dillingham.

March 17, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held March 11, 1966, the following action was taken on the request of Scott Dillingham Foundation:

It was moved, seconded, and unanimously passed that the Commission recommend that the

[illegible] property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

A letter was received from Robert Dillingham advising that he desired to present further information [illegible] Planning and Zoning Commission, and requesting that the matter be referred [illegible]

Mr. Cooper moved that the matter be referred back to the Planning and Zoning Commission as requested.

A petition was received from Chalalee Real Estate, Inc. requesting that an unopened alley off Burton [illegible]

Mr. Cooper stated that it will be necessary to secure a legal description of the alley and [illegible] in the matter.

Councilman McRary moved that such description and resolution be prepared, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 532, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading, with the following vote:

Councilman McRary voted "aye" — Councilman Algary voted "yea"
Councilman Mulvaney voted "aye" — Councilman Crouch voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO 532

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of the property included within the description hereinafter set out has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a meeting of the legislative body of the City of Asheville will meet on the 3rd day of March, 1966 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged to embrace annexed the territory and property described as follows:

BEGINNING on an iron pipe in the existing City Limit Line, said iron pipe being located in the Eastern right of way margin of Bell Road and the Western corner of Lot No. 12 as shown on a plat of the Clyde Munn property recorded in Buncombe County, N. C. Plat Book 34 at page 52; thence with existing City Limit Line the following courses and distances; North 30 deg. -40' -40" East, 174.38 feet; North 19 deg. -01' East, 9.98 feet; North 18 deg. -25' East, 37.00 feet; North 24 deg. -06' East, 131.95 feet; North 28 deg. -47' East, 20.00 feet; North 14 deg. -18' East, 75.90 feet; North 10 deg. -51' East, 139.95 feet; North 57 deg. -06' East, 232.30 feet to an iron pipe in the Southwestern right of way margin of the Blue Ridge Parkway; thence with said right of way of said Parkway South 8.2 deg. -2' -30" East, 921.75 feet to a concrete monument; thence South 13 deg. -46' -30" East, 170.57 feet to a concrete monument; thence with Blue Ridge Parkway and Oteen General Hospital line North 87 deg. -41' -30" West, 644.25 feet to a concrete monument marked No. 7 of said hospital property; thence with the West line of said Hospital property South 33 deg. -31' West, 85.40 feet to a concrete monument; thence South 18 deg. -12' West, 150.75 feet to a concrete monument; thence South 32 deg. -04' West, 178.98 feet to an iron pipe, said pipe being the Southern corner of Lot No. 12 as shown in Plat Book 34 at page 52; thence leaving Oteen General Hospital property with the Southwest line of said Lot No. 12 North 49 deg. -59' -10" West, 305.70 feet to the point of BEGINNING. Containing 8.480 Acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of March, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 17 day of March, 1966, to become effective 1 day of April, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. K. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that the city had been requested by the State Highway Commission to accept maintenance of Bell Road, a road which begins and ends inside the city limits but a portion of which lies outside the city.

Councilman Mulvaney introduced a resolution accepting Bell Road in the Haw Creek Area as a city maintenance road which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 9.

The City Manager reported that the first meeting of the Citizens Action Committee on Beautification and Clean-Up will be held on Tuesday, March 22nd, at 4 o'clock in the Council Chamber.

The City Manager advised that following several meetings with the Library Board and staff that a contract for a schematic design for a new central library had been entered into with J. Bertram King; that meetings had been held with the Executive Committee of the Civic Arts Center, following which a contract for a schematic design for a Civic Arts Center had been entered into with Six Associates, Inc.; and following meetings with the Chamber of Commerce Tourist and Convention Bureau a contract for a schematic design for a Tourist and Convention Center had been entered into with Gudger, Baber and Wood, Architects. The City Manager further advised that it is hoped that proposed plans and full information concerning these facilities would be available by late June, following which estimated costs would be developed.

Councilman Algary stated that the new convention center should be a multi-purpose building and not for conventions only in accordance with a survey made last year for the Chamber of Commerce, and discussed civic centers in other cities.

The City Manager advised that public meetings will be held involving each architect and the facility being designed.

The City Manager again called attention to the meeting in Greensboro on March 23rd of representatives of the state's twelve largest cities, sponsored by the North Carolina League of Municipalities to discuss mutual revenue problems, federal aid programs, and League activities, and urged members of the Council to attend.

There was a discussion concerning billboards and the Federal Highway Beautification Act, and the City Manager was requested to report on what the city can do to assist the State Highway Commission.

Miss Fannie McCoy read a letter protesting annexation, urban renewal, and complaining about slowness of city services to newly annexed areas.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 24, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 24, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: F. M. Mulvaney, W. F. Algary, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

ORDINANCE - Ad[illegible]
of (Secty's C[illegible]
Mountain Road)

A letter was received from Jerry V. Sternberg requesting an amendment to the zoning ordinance to permit

public or private parks, playgrounds or parking lots, museums, art galleries and historical sites in RA-8 residential districts, advising that he wished to convert Seeley's Castle and property into an educational, cultural and historical center.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that the terms of office of certain members of the Smoke Abatement and Air Pollution Advisory Board had expired, and that the Citizen's Committee for Air Pollution had recommended the appointment of replacements.

Councilman Mulvaney then introduced a resolution appointing members of Advisory Board as created under Ordinance #310, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, uanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 10.

In regard to the recent request of Chakles Real Estate to close an unopened alley off Burton Street, the City Manager reported that the public records indicate that this alley has never been dedicated as a public alley, and therefore no further action is required on the part of the city.

The City Manager advised that since the city ordinance requires Council permission to erect a sign within 200 feet of the expressway right-of-way, Lamar Dean Outdoor Advertising Company is requesting permission to double face a sign just north of the Expressway at Elm Street, which sign was in existence before the enactment of the ordinance.

Mr. Andrew L. Anderson of Lamar Dean Outdoor Advertising Company urged the Council to issue such a permit.

Councilman Algary stated that the ordinance was enacted to protect the Expressway from signs, and he did not think granting this request would be within the spirit of the ordinance.

Following the discussion, Councilman Algary moved that the permit be disapproved, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager presented the Annual Report of the Police Department for 1965.

Mr. Walter Allen, attorney for R. S. Dillard, Jr., Agent, presented a petition requesting the rezoning of certain lots lying between Clingman Avenue on the east, Patton Avenue on the north, West Haywood on the northwest, and Knoxville Place or Brooklyn Street on the southwest.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Mr. J. L. Morgan complained about the condition of a vacant lot on Haywood Road near Cloyes Street, and was advised to present the information at the next meeting of the Citizens Action Committee for Beautification and Clean-up, which will be held April 11th at 4:00 in the Council Chamber.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 31, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 31, 1966, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Lipe Property."

March 31, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Lipe Property," prepared by Carter and Bearden, Engineers, and dated

October 27, 1965, shows the subdivision of land on Academy Street, two blocks east of Hendersonville Road.

The Planning and Zoning Commission at its regular meeting on November 3, 1965, gave preliminary approval to the plat. It is recommended that this plat be given final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Sumner moved that the above plat be approved under the provisions of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from Floyd E. Wall requesting that the city accept for public maintenance a dedicated eighteen foot right of way described in plat book 32 at page 23.

This request was referred to the City Manager for investigation

The City Manager advised that the Southern Railway Company has agreed to allow the City of Asheville to encroach on its right of way to construct and maintain a 6-inch water main and a 12 inch sanitary sewer line crossing 2650 feet east of Milepost T-10.

Councilman Crouch then introduced a resolution authorizing Mayor to execute right-of-way agreement with Southern Railway Company for a water pipe line and a sewer pipe line under tracks of the Company, which was, upon motion of Councilman Crouch, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 11.
Copy of agreement will be found attached to original resolution.

The City Manager advised that the Southern Railway Company has agreed to allow the City of Asheville to encroach on its right of way to construct and maintain a 6-inch water main crossing 2670 feet east of Milepost T-8.

Councilman Crouch then introduced a resolution authorizing Mayor to execute right-of-way agreement with Southern Railway Company for a water pipe line under tracks of the company, which was, upon motion of Councilman Crouch, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 12.
Copy of agreement will be found attached to original resolution.

The City Manager advised that under the city's formula leases had been negotiated with Jerome Silverman and wife, and Mrs. Essie B. Silverman (widow) for certain property fronting on Biltmore Avenue to be used as an off-street parking lot, which property would provide forty parking spaces.

Councilman Sumner then introduced resolution authorizing Mayor and City Clerk to execute lease with Jerome Silverman and wife, Margaret L. Silverman, and Lease with Mrs. Essie B. Silverman for operating offstreet parking facility by city, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 13.
Copy of leases will be found attached to original resolution.

The City Manager advised that Mr. Charles W. Dermid had resigned as Director of Public Works effective April 15, 1966, which resignation was accepted, and that he wished to express to Mr. Dermid appreciation for his work while serving as Director of Public Works.

The City Manager announced the appointment of Philip C. Cocke, Jr., a professional engineer at present serving with the State Highway Commission, as Director of Public Works.

Vice-Mayor Mulvaney brought up the hazards of kite flying, and asked that parents be publicly warned of the fact that a wet kite string coming in contact with a power line can cause a serious accident.

Councilman Sumner then asked that Carolina Power & Light Company be urged to place its power lines underground as a safety measure and as a beautification program, stating that this could be done gradually and that federal beautification funds might be available.

The City Manager advised that the question of overhead power lines will be on the agenda of Governor Moore's conference on beautification to be held April 8th and 9th in Raleigh.

Councilman Crouch asked that the Council go on record as expressing appreciation to Mr. Dermid for his work while with the city, and wishing him well in his new endeavor.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Hunter
CITY CLERK

Thursday, April 7, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 7, 1966, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch and Director of Public Safety Carl B. Hyatt, Jr.

The minutes of the previous meeting were read and approved.

The Vice-Mayor advised that today is the date set for the public hearing on the proposed rezoning of certain lots in Ward 6 as requested by the Town and Country Shopping Center.

The matter was discussed by members of the Council, Councilman McRary suggesting that a buffer zone be set up for the protection of property owners.

Councilman Morgan then introduced Ordinance #533, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The Director of Public Safety explained that Asheville and Buncombe County have been selected to pilot a community fallout shelter program, to be paid for entirely from federal funds, which will designate all available fallout shelters in the city and county and assign all residents to the nearest shelter with a daytime plan and a nighttime plan; that the Metropolitan Planning Board has been designated to enter into a contract with the Corps of Engineers, Bureau of Yards and Docks, which is the contracting agency for the Office of Civil Defense; and that the Board of County Commissioners is expected to give similar authorization.

Councilman Algary then introduced a resolution requesting the Asheville-Buncombe County Metropolitan Planning Board to enter into an agreement with the Corps of Engineers, Bureau of Yards and Docks, to carry out a community shelter program, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 14.

Mr. Blanton Wright appeared before the Council and discussed a fifth center turning lane on Tunnel Road, claiming he has made an investigation which shows that the State Highway Commission already owns all of the right-of-way needed for the widening, and asking the Council to take action on this matter.

The Vice Mayor pointed that opposing property owners dispute the right-of-way claim and Councilman Algary stated that opposing owners have informed the city that they will bring suit if the widening is attempted.

At the request of the Council Mr. Wright turned over his information to the city, and the Corporation Counsel was requested to make a full report on the right-of-way question at the next meeting of the Council.

Dr. Wayne Montgomery also spoke in favor of a fifth lane.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Hunter
CITY CLERK

Thursday, April 14, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 14, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that the request of Scott Dillingham for a change in zoning on certain property be denied, and the property remain as now zoned.

April 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Scott Dillingham:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property on Clingman Avenue as requested by R. S. Dillard, Jr., Agent.

April 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition signed by C. Walter Allen, Attorney, and R. S. Dillard, Jr., Agent:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 24, 25, 25-1/2, 233 and 239, Sheet 3, Ward 4, be rezoned from RA-5 Residential District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Algary moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of the public hearing on same, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 533, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a lease had been negotiated with Asheville Airport Motel, Inc. for an eight acre tract of land near the Airport, and that an additional tract of city-owned land adjacent to the motel is available for development as practice fields for the Falcons, which lease extends for thirty years with 11 five year renewal options, with rent for the first thirty years at $432.00 per month based on six per cent of the $86,000 appraised value of the land, the property to be given a new appraisal to determine the rent before each of the option periods.

Councilman Algary then introduced resolution authorizing and directing Mayor and City Clerk to execute on behalf of the city a lease with Asheville Airport Motel, Inc. for certain property near the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 15.
Copy of lease will be found attached to original resolution.

Mr. Blanton Wright again appeared before the Council, and asked for a report on the status of the right-of-way of the State Highway Commission on Tunnel Road.

A petition, signed by a number of property owners on Tunnel Road opposing the construction of a fifth lane, was received.

A letter was received from Carl A. Hyldburg, Jr., attorney for Shoney's Big Boy of Asheville, Inc., oppos-

ing any alteration of Tunnel Road as it now exists that would constitute a taking of any of his client's property.

A letter was received from J. Thomas Carter opposing any widening of Tunnel Road which would take any of his property on the north side of Tunnel Road.

The Corporation Counsel advised that in the limited time available an investigation had been made concerning the right-of-way, and that he believes the State Highway Commission does have a 100 foot right-of-way from Shoney's Restaurant east to Kenilworth Road. The Corporation Counsel further advised that it is his understanding that the Highway Commission claims a 100 foot strip west to the tunnel, but he has not been able to confirm this, and that there are many unresolved questions concerning the right-of-way.

Mr. Harold K. Bennett, attorney for certain property owners who support the construction of a fifth lane, contended that there is overwhelming proof that the State Highway Commission owns the necessary right-of-way, and that a fifth lane would definitely help Tunnel Road problems.

Mr. Edison Hill, attorney for property owners opposing the fifth lane, contended that it would be difficult for the State Highway Commission to prove its right of way, and that such a lane would not solve any traffic problems.

Councilman Algary moved that the Council instruct the City Manager to confer with the Highway Commission and ask them to establish a center line, and also establish as nearly as possible exactly how much land they have.

Mr. Mulvaney seconded the motion, asking that the right-of-way of the State Highway Commission between the Hildebrand property and the tunnel also be established, and Councilman Algary agreed to this amendment.

The City Manager stated that since all of this property was annexed into the city in 1960, after the construction of Tunnel Road, and that the city had no records concerning the matter.

Following the discussion, the above motion was adopted.

Councilman Sumner stated that temporary relief of traffic problems might be obtained by eliminating left turns on Tunnel Road, and suggested that this be done between now and summer.

The City Manager advised that this is a matter for the Highway Commission, and that he would ask that they explore this.

There being no further business, the meeting was adjourned.

MAYOR

CITY CLERK

Thursday, April 21, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 21, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, Robert P. Crouch City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 533, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 533

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lots 363-1/4, 363-1/2, 440, 368-1/4, 368-3/4, 395, 443, 441, 442, 448, 360-3/4, 447 and 451, Sheet 16, Ward 6; Lot 70, Sheet 17, Ward 6; and

That portion of Lot 359-1/4, Sheet 16, Ward 6, lying south of the southerly line of Lot 359-1/2, Sheet 16, Ward 6, and the extension of said line in an easterly direction from the southeasterly corner of said Lot 359-1/2 to the southwesterly corner of Lot 359, Sheet 16, Ward 6; and

That portion of Lot 359-3/4, Sheet 16, Ward 6, lying south of the southerly line of Lot 449, Sheet 16, Ward 6, and the extension of said line in an easterly direction from the southeasterly corner of said Lot 449 to the southwesterly corner of Lot 446, Sheet 16, Ward 6; and

That portion of Lot 360, Sheet 16, Ward 6, lying south of the southerly line of Lots 446 and 455, Sheet 16, Ward 6, and the extension of said line in an easterly direction from the southeasterly corner of said Lot 455 to the southwesterly corner of Lot 360-1/2, Sheet 16, Ward 6.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 7 day of April, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 21 day of April, to become effective 6 day of May, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that in order to establish maintenance responsibility the city had been requested to execute an indenture conveying whatever interest the city may have in a 6" sewer line extending east on Patton Mountain Road for approximately 425 feet beyond the corporate limits to the Beaverdam Water and Sewer District.

Councilman Mulvaney then introduced a resolution authorizing and directing Mayor to execute an indenture conveying its interest in a sewer line to the Beaverdam Water and Sewer District, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 16.
Copy of indenture will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 28, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 28, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of property owners, was received requesting the rezoning of the property on North Louisiana Avenue between Patton Avenue and Hazel Mill Road.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Sumner introduced a resolution urging the Board of County Commissioners not to reduce the Asheville Special School District Supplemental School Tax, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 17.

The City Manager advised that in order to relocate and eliminate conflicts with City water and sewer facilities due to construction of I-40 and I-26 the State Highway Commission had requested agreements be entered into.

Councilman Mulvaney then introduced resolution authorizing Mayor to enter into agreements with the North Carolina State Highway Commission to relocate and eliminate conflicts with City of Asheville Water and Sewer Facilities due to construction of State Highway Project 8.1904802 from Alabama Avenue north to end of project at Hazel Mill Road, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 18.
Copies of agreements will be found attached to original resolution.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending March 31, 1966

The City Manager advised that the Citizen's Committee for Air Pollution had recommended the appointment of Dr. Elwood L. Demmon and Peter L. Roda as members of the Appeal Board.

Councilman Morgan then introduced a resolution appointing two members of Appeal Board in accordance with Ordinance #310, as amended, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 19.

Councilman Algary discussed the mechanics of repraisals as it relates to the 50% ratio of fair market value to the old formula of 40% ratio, and the school supplement tax of other cities over the state.

The City Manager pointed out in connection with school supplements paid in city administrative units with enrollment above 10,000 the following: Greensboro $1164; High Point $1080; Durham $590; Fayetteville $495; Raleigh $423; and Asheville $260.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 5, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 5, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that the request of Jerry Sternberg that the Zoning Ordinance be amended to permit public or private parks, playgrounds or parking lots, art galleries, and historical sites in RA-8 Residential District be denied.

May 4, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Jerry Sternberg that the Zoning Ordinance be amended to permit public or private parks, playgrounds or parking lots, art galleries, and historical sites in RA-8 Residential District:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the City Council.

The City Manager advised that today is the date set for the public hearing on the requested rezoning of the property on Clingman south of Patton Avenue.

There being no objection, Councilman Morgan introduced Ordinance No. 534, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that there would be a meeting of all department heads of the city in the Council Chamber at 2:30 on Monday to discuss the budget for the upcoming fiscal year; that the department heads would prepare their budgets to be returned to the Accounting Department by May 27th, and in due course the Council would receive the budget for consideration.

Councilman McRary requested information regarding the bridge over the railroad tracks at Sayles Village, and was advised that this bridge will probably be completed within the next two or three weeks.

Regarding the bridge across the Swannanoa River the City Manager advised that there were many right-of-way problems, and that the location of this bridge depended upon the corridor of I-40.

Councilman Algary asked what progress the State Highway Commission is making on a new tunnel through Beaucatcher Mountain and a connector route north of the Tunnel Road, and was advised that public hearings will be held by the State Highway Commission in Asheville in from ninety to one hundred twenty days, but that four alternate corridors for the connector beyond Haw Creek School are still under consideration.

Councilman Algary discussed the road bond money, and was advised by the Director of Public Works that a work order has been received by his department for engineering work on completing the four-laning of Merrimon Avenue from Broadway north to the city limits, this being one of the projects approved by the City Council.

Miss Fannie McCoy spoke in opposition to public housing and fluoridation of the public water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 12, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 12, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Property of Fletcher Parham".

May 12, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Property of Fletcher Parham" shows the subdivision of land at the corner of Hanover and State Streets in West Asheville. This plat, dated April 29, 1966, was prepared by Smith and Lefler, Associates.

The Asheville Planning and Zoning Commission, at its regular meeting on May 4, granted preliminary approval of this plat. It is recommended that this plat be given your final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman McRary moved that the above plat be approved under the provisions of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 534, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan advised that due to the resignation of Earl E. McGuire, Jr., a vacancy existed on the Recreation Board for Asheville, and introduced a resolution appointing member of Recreation Board for Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 20.

The City Manager presented the statement showing the budget position of the city for the period ending April 30, 1966.

The Council welcomed Girl Scout Troop #111, who attended the meeting accompanied by their advisers.

Mr. Clinton Wright again appeared before the Council and asked for a report on the State Highway Commission right-of-way on Tunnel Road. Mr. Wright alleged that certain businesses on Tunnel Road are violating the zoning regulations, particularly Shoney's Restaurant.

The City Manager advised that, in accordance with instructions from the Council, he had written the State Highway Commission concerning said right-of-way, reading a copy of said letter, and stated that no reply had as yet been received. The City Manager stated that the alleged zoning violations would be investigated.

Councilman Algary read a prepared statement concerning a rehabilitation study of the downtown business district.

"About six weeks ago I attended an Urban Development meeting in Durham. This meeting was composed of Administrators of Urban Development projects across North Carolina. The theme of the meeting was downtown areas, and I was surprised to know how far along with these projects such towns as Winston-Salem, Charlotte, Greensboro, Morganton, Durham, Greenville and even Elizabeth City are.

"The meeting was built around the Durham Story. I have known Durham for thirty years, and they have had problems, but it looks the best that I have ever seen it. They are beginning a $16,000,000 rehabilitation program downtown, and property owners and others seem to have caught the spirit. Progress is reflected everywhere. This $16,000,000 project, for which they have the money in hand, is being accomplished without the issuing of any bonds. They are simply taking advantage of the public expenditures that are being made as their matching one-third Urban for Development Funds.

"We here in Asheville are in a particularly fortunate position in that most of the proposed public facilities and street improvement programs would qualify as Asheville's matching funds.

"This type of program is not demolition but rehabilitation. Some buildings would have to go in order to make room for the new, but in most instances rehabilitation would be the first choice for those buildings which do not meet structural standards.

"In line with the report made yesterday by Barbour & Cooper to the Planning Commission, I recommend to the Council that the Redevelopment Commission be asked to have a feasibility study to begin at once on this project.

"I would recommend that this area include a point beginning at the corner of Valley and College and bordering the present Redevelopment project to the intersection of Broadway and Merrimon, to Chestnut and along Chestnut to Montford, and south to Haywood, west on Haywood to Patton, East on Patton to Coxe, south on Coxe to Southside, then northeast on Southside to Valley, and up Valley to College.

"A part of my recommendation is that in this study serious thought be given to the acquiring by the Redevelopment Commission of the Vanderbilt Hotel and the present City Auditorium, which site be set aside for a large park.

"I believe it is essential for central Asheville to have a large modern facility such as this, if central Asheville is to grow.

"I'll remind each of you 'it is later than you think!'"

and stated

Mr. Mayor, I move the Council adopt a request to the Redevelopment Commission that a feasibility study of this project begin at once.

Councilman Sumner inquired as to the cost of such study, and was advised by Councilman Algary that federal funds were available for this purpose, and that new buildings, street widening, etc. would be considered matching funds.

The City Manager stressed the point that this would be a rehabilitation project, and that such a feasibility study would be to determine if it was needed in this area, stating that this is long-range planning and that the Council has the final determination.

During the discussion Councilman Sumner stated he thought this was too socialistic, and that he didn't want planners telling us what buildings have to be repaired and what buildings have to be torn down, and that the city already has laws covering necessary razing and repairs. Councilman Morgan stated he believed the projects now under consideration should be completed before beginning a new one.

There was no second to the motion.

Councilman McRary then moved that action be deferred on this matter, and there was no second to this motion.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 19, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 19, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, W. F. Algary, Director of Public Works Philip C. Cocke, Jr., and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Property of Asheville Gospel Chapel Association, Inc."

May 19, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Property of Asheville Gospel Chapel Association, Inc." shows the subdivision of a tract of land located on Old Haw Creek Road.

This plat, prepared by W. G. Hutchison, R.L.S. and dated April 11, 1966, was given preliminary approval by the Asheville Planning and Zoning Commission at their regular meeting on May 4, 1966. It is recommended that this plat be given final approval.

Sincerely yours,

S/ R. M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Algary moved that the above plat be approved under the provisions of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 534, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 534

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-5 Residential District to COMMERCIAL DISTRICT:
25,
Lots 24,/25-1/2, 233 and 239, Sheet 3, Ward 4

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 5 day of May, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 19 day of May, 1966, to become effective 3 day of June, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

A petition having been heretofore filed by L. S. & M. Building Co., Inc., requesting the annexation of certain property owned by said company, known as Eastwood Forest, and the City Clerk having certified the sufficiency of said petition, Councilman Sumner introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property known as Eastwood Forest, which was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 21.

Mr. Richard Ford, spokesman for the Door-Openers, presented petitions requesting the help of the Council in getting the American Standard Specification for Making Building Facilities Accessible to, and Usable by the Physically Handicapped, No. A117.1 - 1961, accepted, and Mrs. Lucille Shook, president of the Door-Openers, submitted a map indicating where sloping street curbs are needed, as well as such aids to building access as ramps for negotiating steps.

The Mayor advised that the City Building Inspector will be asked to refer to the standards in granting building permits, in so far as practical.

Miss Fannie McCoy spoke in opposition to city building and housing codes.

Dr. Manuel W. Butler of 227 Brooklyn Road in the Biltmore section asked for better fire protection in that area, advising that the nearest fire hydrant is seven-tenths of a mile away.

Several Councilmen expressed the opinion that better fire protection should be provided, and Councilman Sumner moved that the Engineering Department be requested to make an investigation and give a report to the Council, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 26, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 26, 1966, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of property owners, was received requesting rezoning of the property in Beaver Point Park, Ward 9, Sheet 23 of the Buncombe County Tax Maps, from Neighborhood Trading to RA 10 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

In connection with the request of Dr. Manuel Butler for fire protection on Brooklyn Road, the City Manager presented a map from the Engineering Department showing a standard fire hydrant on West Chapel Road, which is within 850 feet of Dr. Butler's residence, and which meets all standard fire underwriters' specifications. The City Manager also advised the Council that there has been a recent inspection of all fire hydrants in the city.

The City Manager advised that a lease had been negotiated with Henry Harris and wife for property on which to operate an additional off-street parking facility, and that this lot would take care of 45 cars.

Councilman Morgan then introduced a resolution authorizing Mayor to execute lease with Henry H. Harris and wife, Elizabeth Moss Harris, for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 22.
Copy of lease will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 2, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 2, 1966, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from The Lynn Corporation requesting the rezoning of Lot 1-1/4, Sheet 3, Biltmore.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property on North Louisiana between Patton Avenue and Hazel Mill Road to Roadside Business Area.

June 1, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. Henry Mills and others:

It was moved, seconded, and unanimously passed that the commission recommend that Lots 70-1/2, 89, 72-1/4, 72, 81, 82, 72-1/2, 60, 61, 62, and 62-1/4, Sheet 17, Ward 6, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending the zoning of the Clyde Munn property in Haw Creek, which was recently annexed into the City by Ordinance 532, RA-10 Residential District.

June 1, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today the following action was taken on a recent annexation in the Haw Creek area:

It was moved, seconded, and unanimously passed that the Commission recommend that property recently annexed into the city limits of Asheville and described in Ordinance No. 532 be zoned RA-10 Residential District.

Sincerely,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Councilman Algary moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that the Redevelopment Commission had conducted a public hearing on the proposed Urban Renewal Plan, entitled "Redevelopment Plan, East Riverside Urban Renewal Area, Project No. N. C. R-48", at which said Commission approved the plan, and the Planning Commission had also approved said plan. The City Manager further advised that a resolution had been prepared authorizing a public hearing by the Council to consider this plan on June 23rd.

Mr. James Greer, Executive Director of the Redevelopment Commission, was present to answer any questions.

Following a discussion, Councilman Algary introduced a resolution of the City Council of the City of Asheville authorizing the publication of notice of a public hearing on Urban Renewal Plan, entitled "Redevelopment Plan, East Riverside Urban Renewal Area, Project No. N. C. R-48", which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at pages 23, 24, and 25.

Councilman Morgan introduced Ordinance No. 535, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1966 AND ENDING JUNE 30, 1967", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the proposed annexation of certain property known as Eastwood Forest, as requested by the owner, L. S. & M. Building Co., Inc.

There being no objection, Councilman McRary introduced Ordinance No. 536, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that an offer had been received from C. T. Day to purchase a fifty foot lot on Riverside Drive in the area of the Hall Street intersection at the appraisal price of $40.00 a front foot, and that he understood this was one of several lots on which plans have been made to construct a warehouse.

Following a discussion, the Council requested that a resolution authorizing advertisement of this property for public sale be prepared for next week's meeting.

The City Manager advised that a letter had been received from J. G. Gibbs, Assistant State Right of Way Agent for the State Highway Commission, stating that investigation shows that the State Highway Commission holds clear title to a 50-foot right-of-way from the center line on the south side, but that State Highway Commission ownership of a full 50 feet on some portions of the north side "is subject to dispute," on Tunnel Road.

Mr. Blanton Wright asked if this letter demonstrates that the State Highway Commission owns enough land on the south side of Tunnel Road to provide for a fifth lane, and also about the required set-back for businesses.

He was advised that this cannot be established until the center line is established, which information has not yet been received from the State Highway Commission.

Councilman Sumner requested information on the bond issue to finance the City's share of the proposed East Riverside Urban Renewal Project, and how much this would raise the tax rate.

The City Manager advised that a $1.4 million bond issue would be required to finance this project, which would add seven cents to the property tax, as now estimated.

Councilman Sumner discussed the Civic Redevelopment Project, and asked how much actual tax increase there had been since this project was started eight years ago.

Councilman Morgan stated that none of the project property has been re-sold by the Redevelopment Commission and therefore no new taxes are being realized.

Councilman Sumner also stated that the Redevelopment Commission has never presented a plan of how this land is to be used, and Councilman Algary advised that the plan had been presented to and approved by the Council.

Councilman Sumner then requested that this plan be presented again at the next meeting of the Council, and the City Manager advised that this would be done.

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY CLERK

Thursday, June 9, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 9, 1966, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled Resubdivision of Lot 7, Hillside Terrace".

June 9, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Dear Sirs:

The attached plat entitled "Resubdivision of Lot 7, Hillside Terrace," prepared by James H. Price, Registered Land Surveyor, for A. R. Walden and G. C. Ensley and dated April 9, 1966, shows the of land in the Malvern Hills area.

The above described plot was reviewed at the regular meeting of the Planning and Zoning Commission on June 1, 1966, and given preliminary approval. It is recommended that this plot be given final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:jb

Councilman Algary discussed the matter of subdivisions located within one mile of the city limits and the fact that the city has no authority to enforce compliance with plats, stating that the city should be able to control such factors as street widths and grades and water and sewer facilities, advising that other North Carolina cities have the power to enforce subdivision regulations. Councilman Algary stated he was advised it would require state legislative action to secure such authority for Asheville.

Following the discussion, Councilman McRary moved that the above plat be approved under the provisions of Ordinance #424, which motion was seconded by Councilman Crouch and unanimously adopted.

A request was received from Sunset Mountain Home Owners' Association that certain property on Sheets 14 and 13, Ward 2, and Sheet 5, Ward 9 be rezoned RA-10 Residential.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 535, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1966 AND ENDING JUNE 30, 1967", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Ordinance No. 536, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager presented the statement showing the budget position of the city for the period ending May 31, 1966.

The City Manager presented the audit of the City of Asheville for the period ending March 31, 1966.

Mr. J. A. Banks requested permission to put a house trailer on his property on Pearson Drive, and was advised that the zoning ordinance forbids house trailers in residential zones.

Miss McCoy protested the city's building and housing codes, and metropolitan government.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 16, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 16, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Wachovia Bank and Trust Company, trustee, requesting the rezoning of Lots 95 through 100, leaving Lot 94 as an abutment to adjoining owner, from RA-6 to Commercial, being on Sheet 19, Ward 4.

A letter was received from Mr. and Mrs. William C. Freel requesting the rezoning of Lot 225 on Roebling Circle.

The above requests were referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 535, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1966 AND ENDING JUNE 30, 1967", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 535

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1966 AND ENDING JUNE 30, 1967

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, or selling, or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1966, to the thirtieth day of June, 1967, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by August 1, 1966, 5% per month, retroactive to July 1st, of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted inconspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person, interested in or connected with such business, to give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, Or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists. (Prohibited.)
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, or lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers	$ 1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	1,000.00
7. House Movers	500.00
8. Taxicabs	500.00

Section 5.

That whenever the word "person", is used in this ordinance, the same shall be construed to include "firms", companies', "corporations", and "associations."

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after July 1, 1966 and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after January 1, 1967, the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute

a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year 1966-67, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of Fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated, the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 495 entitled "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965", as recorded in City of Asheville Docket 34 of the Minutes of the Proceedings of the Council at pages 451 through 582, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City of Asheville, at pages 299 through 340, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein, together with all amendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective July 1, 1966.

I move the adoption of the foregoing ordinance, this the 2 day of June, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted by the Council on first reading, 2 day of June, 1966, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 9 day of June, 1966, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 16 day of June, 1966, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of July, 1966.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 536, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye

ORDINANCE NO. 536

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of the property included within the description hereinafter set out has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, and notifying the owners of the property in such territory that a session of the legislative body of the City of Asheville will meet on the 2nd day of June, 1966 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING on a concrete monument in the existing City Limits Line, said concrete monument being located in the U. S. Government (Oteen Hospital) Property Line and the Northeast corner of the Parkway Knolls Subdivision; thence with the present City Limit Line North 87 deg. 01' West-1,123.54 feet (City Limit Bearing 1960 North 86 deg. 37" West) to a concrete monument in the western margin of a road known as Memory Lane; thence North 3 deg. 37' East -240.33 feet to a stake; thence North 87 deg. 12' West-102.00 feet to a stake; thence North 26 deg. 32' East-150.38 feet to a stake; thence North 31 deg. 33' East-258.8 feet to a stake; thence South 86 deg. 23' 30" East-1,030.93 feet to a concrete monument in the U. S. Government Line;t hence with said line South 2 deg. 12' West-593.98 feet to the BEGINNING. Containing 15.51 Acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 2 day of June, 1966.

J. W. McRary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 16 day of June, 1966, to become effective 1 day of July, 1966.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Algary read a letter from Mrs. Albert Lathrop in which she inquired when the twice-a-week garbage collection would begin, and whether or not anything could be done about deep street drainage catch basins on city streets.

The City Manager advised that the garbage collection has been delayed because of a manpower shortage in spite of the fact that a summer pay scale of $1.25 per hour for laborers is in effect.

The City Manager advised that Asheville has an acute street drainage problem because of hilly topography, and that without deep catch basins on steep streets, storm flooding would take place farther down the grades.

Councilman Algary suggested that the catch basins could be made shallower and wider, and the City Manager stated that the whole problem would be reviewed in an effort to see if it could be corrected.

The Council welcomed a delegation of community development officials from Peru.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 23, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 23, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Robert P. Crouch, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Robinson Ridge."

June 23, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Robinson Ridge," prepared by Sam Huddleston for Heritage Homes, Inc. and dated April 20, 1966, shows the subdivision of a tract of land lying west of Sweeten Creek

Road outside of the City Limits.

The Planning and Zoning Commission at its regular meeting on June 1, 1966, gave preliminary approval to this plat. It is recommended that this subdivision be given final approval.

Sincerely yours,

S/ R. M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Morgan moved that the above plat be approved under the provisions of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1966-67 as prepared by the City Manager, and the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time was publication of Notice of Presentation of Budget Estimate, and suggested that the date of July 14th be set by the Council for a study of the proposed budget.

Councilman Crouch moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, and that the date of July 14th be set for a study of the budget, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the Urban Renewal Plan and the feasibility of relocation of Project No. N. C. R-48, known as "The East Riverside Urban Renewal Area", that due notice has been given as required by law, and introduced Mr. Alfred Miller, Chairman of the Redevelopment Commission of the City of Asheville.

Mr. Miller asked Mr. James W. Greer, Executive Director of the Commission, to explain the project. Mr. Greer gave a synopsis of the project, describing the area involved, number of houses which can be rehabilitated, number of houses which must be demolished, proposed public housing, parks, and advised that the city's one-third share of project costs is $2,914,000, but this is reduced to $1,400,000 cash outlay due to credits for the new South French Broad High School, the public housing construction and street improvements.

The City Manager then stated that matter before the Council is a resolution approving this project subject to a bond issue for the City's $1,400,000.00.

Councilman Crouch inquired concerning the feasibility of locating McCormick Field and Stadium in this area, which had been previously discussed. He was advised that it had been found that there was not sufficient land available, and also that this area 's traffic plan did not lend itself to this type of development.

One of the citizens present inquired whether a library would be constructed in connection with the new fire station proposed for this area, and the City Manager advised that this depended upon a recommendation of the Library Board, but that he would present this matter to them.

Councilman Sumner stated that he was not in favor of Urban Renewal and slum clearance, and asked what increase would be necessary in the tax rate to finance the proposed bond issue.

The City Manager advised it would require a 7¢ tax increase.

Councilman Sumner stated that the Housing Authority could proceed with the proposed public housing without action by the Council, and that in the six to eight years estimated to complete the Urban Renewal project the city could rehabilitate the East Riverside River area by enforcing the present building code, and in this way the federal government would not be involved.

Councilman Sumner also discussed a letter he had received from a property owner in the area concerning improvements to his property; the use of tax funds to pay for a news letter published for East Riverside residents by the Redevelopment Commission; and the office payroll of the Commission.

Several residents of the area asked questions on what effect the project would have on their holdings. Speakers included Mrs. James B. Harris, Mrs. James Smith, Mrs. Sylvester Beyton, and Max Polansky.

Councilman Algary stated that conditions in the East Riverside Area demand drastic measures, that Asheville has stood still since 1929 and that something has to be done if any progress is to be made, and that Mr. Sumner's proposal just wouldn't work.

Miss McCoy spoke in opposition to Urban Renewal.

Following the discussion, Councilman Algary introduced a resolution of the City Council of the City of Asheville approving the Urban Renewal Plan and the Feasibility of Relocation of Project No. N. C. R-48 as follows:

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ASHEVILLE APPROVING THE URBAN
RENEWAL PLAN AND THE FEASIBILITY OF
RELOCATION OF PROJECT NO. N. C. R-48

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Department of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Asheville (herein called the "Local Public Agency") has entered into a planning contract for financial assistance under such Act with the United States of America, acting by and through the Secretary of the Department of Housing and Urban Development, pursuant to which Federal Funds have been provided for the Urban Renewal Project (herein called the "Project") identified as "The East Riverside Urban Renewal Area" and encompassing the area bounded by: (see attached description) in the City of Asheville, State of North Carolina (herein called the " Localith"); and

WHEREAS, the Local Public Agency has applied for financial assistance under such Act and proposes to enter into a contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available financial assistance for the Project; and

WHEREAS, the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural and economic conditions of the Project area and has determined that the area is a blighted area and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large and which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding, unsanitary or unsafe conditions or the existence of conditions which endanger life or property by fire and other causes of any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare, and the members of this Governing Body have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the City Council of the Locality (herein called the "Governing Body") for review and approval an Urban Renewal Plan for the Project area, dated December, 1965, and consisting of twenty eight pages, two exhibits, and five maps supported by the following supplementary material, data and recommendations which material, data and recommendations are not a part of said Urban Renewal Plan:

(a) Certified copy of resolution of the Redevelopment Commission of the City of Asheville approving an Urban Renewal Plan and conditions under which relocation payments will be made for Project No. N. C. R-48.

(b) Certification of its recommendation of approval of the Redevelopment Plan by the City of Asheville Planning and Zoning Commission; and

WHEREAS, the Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Body's duly certified resolution approving the Urban Renewal Plan, which is attached thereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the City of Asheville Planning and Zoning Commission which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Urban Renewal Plan for the Project area and has certified that the Urban Renewal Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS, the Urban Renewal Plan for the Project area prescribes certain land uses for the Project area and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Local Public Agency has prepared and submitted a program for the relocation of individuals and families that may be displaced as a result of carrying out the project in accordance with the Urban Renewal Plan; and

WHEREAS, there have also been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the Project area and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in the Project area and of the availability of proper housing in the locality for the relocation of families and individuals that may be displaced from the Project area and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the relocation program and the Urban Renewal Plan for the Project, in conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Department of Housing and Urban Development; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of the Urban Renewal Project with federal financial assistance under Title I including those prohibiting discrimination because of race, color, creed, or national origin;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville as follows:

1. That it is hereby found and determined that the Project is a blighted area and qualified as a Project area under Sections 160-454 through 160-474 of the General Statutes of North Carolina commonly known as the "Urban Redevelopment Law", as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large and which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding, unsanitary or unsafe conditions or the existence of conditions which endanger life or property by fire and other causes of any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

2. That the Urban Renewal Plan for the Project having been duly reviewed and considered is hereby approved and the City Clerk be and is hereby directed to file said copy of the Urban Renewal Plan with the minutes of this meeting.

3. That it is hereby found and determined that the objectives of the Urban Renewal Plan cannot be achieved through more extensive rehabilitation in the Project area.

4. That it is hereby found and determined that the Urban Renewal Plan for the Project area conforms to the general plan of the Locality.

5. That it is hereby found and determined that the financial aid to be provided pursuant to the contract for Federal financial assistance pertaining to the Project is necessary to enable the Project to be undertaken in accordance with the Urban Renewal Plan for the Project area.

6. That it is hereby found and determined that the Urban Renewal Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the urban renewal of the area by private enterprise.

7. That it is hereby found and determined that the Urban Renewal Plan for the Urban Renewal Area gives due consideration to the provision for adequate park and recreational areas and facilities as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.

8. That it is hereby found and determined that the program for the proper relocation of individuals and families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the Project area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.

9. That in order to implement and facilitate the effectuation of the Urban Renewal Plan hereby approved it is found and determined that certain official action must be taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and accordingly, this Body hereby: (a) pledges its cooperation in helping to carry out the Urban Renewal Plan; (b) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Urban Renewal Plan; and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Urban Renewal Plan.

10. That financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the Project area to be renewed in accordance with the Urban Renewal Plan for the Project area and, accordingly, the filing by the Local Public Agency of an application or applications for such financial assistance under Title I is hereby approved.

I move the adoption of the foregoing resolution.

W. F. Algary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 23 day of June, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

BOUNDARY DESCRIPTION
EAST RIVERSIDE URBAN RENEWAL AREA PROJECT
N. C. R-48
ASHEVILLE, NORTH CAROLINA

BEGINNING at a point in the northern right-of-way line of Hilliard Avenue, said point being the east right-of-way line of Federal Street extended; thence south across Hilliard Avenue and continuing along the eastern R.O.W. line of Federal Street approximately 990 feet to a property line; thence west along a property line of a property fronting on Coxe Avenue and Wallock Street approximately 38 feet and 127.6 feet to the eastern R.O.W. line of Wallock Street; thence south along the eastern R.O.W. line of Wallock Street approximately 280 feet to a property line of a property fronting on Wallock Street; thence east along a side property line of said property; thence south along the rear property line of a property fronting on Wallock Street approximately 104.8 feet to a property corner; thence southwest along a rear property line of a property fronting on Wallock Street approximately 26.3 feet to a property corner; thence west along a side property line of said property approximately 87.8 feet to the eastern R.O.W. of Wallock Street; thence south along the eastern R.O.W. line of Wallock Street approximately 170.33 feet to a property line of a property fronting on Wallock Street; thence east along a side property line of said property approximately 100 feet to a property corner; thence south along the rear property line of properties fronting on Wallock Street approximately 75 feet and continuing south along property line of properties fronting on Wallock Street approximately 107 feet to a property corner; thence east along a rear property line of a property fronting on Southside Avenue and along a side property line of a property fronting on Coxe Avenue approximately 248 feet to a point; thence south along a line approximately 75 feet to a point in the eastern R.O.W. line of Southside Avenue; thence continuing south along the eastern right-of-way line of said street approximately 708 feet to a point in said right-of-way; thence east along a side property line of a property fronting on Southside Avenue approximately 198 feet to a property corner; thence south along the rear property line of properties fronting on Short McDowell Street approximately 260 feet to a property corner; thence east along a property line approximately 420 feet to a property corner; thence south along a property line approximately 71.3 feet to a property corner; thence continuing south along a side property line of a property fronting on Frederick Street approximately 223 feet to the northern right-of-way line of Frederick Street; thence east along the northern right-of-way line of said street approximately 180 feet to a point; thence south across Frederick Street and continuing south along side property lines of properties fronting on Frederick Street and a street running parallel with Choctaw Street approximately 198 feet to the northern right-of-way line of said street; thence south across a street running parallel with Choctaw Street and continuing along a side property line of a property fronting on Choctaw Street approximately 177 feet to the northern right-of-way line of Choctaw Street; thence continuing south across said street approximately 35 feet to the southern right-of-way line of Choctaw Street; thence west along said street approximately 130 feet to a property line; thence south along a side property line of a property fronting on Choctaw Street and across Rock Cliff Place and continuing along rear property lines of properties fronting on Hamilton Street and line extended across Brooklet Street approximately 660 feet to the southern right-of-way line of Brooklet Street; thence west along said right-of-way line approximately 330 feet to the eastern right-of-way line of McDowell Street; thence south and southeast along said right-of-way line approximately 1,035 feet to a point; thence south across McDowell Street and continuing along a side property line of a property fronting McDowell Street and continuing across said street and along a side property line of a property fronting McDowell Street approximately 295 feet to a property corner; thence west along a rear property line of same property approximately 333.3 feet to a property corner; thence south along a property line of same property 206.9 feet to a point; thence continuing 139 feet along same property line to a property corner; thence north along a side property line of same property approximately 133 feet to a property corner; thence south along property lines approximately 434 feet to a property corner; thence northwest along a property line approximately 171.68 feet to a property corner; thence south along a side property line of a property fronting on Black Street approximately 265 feet to a property corner; thence west along the rear property line of said property approximately 122 feet to a property corner; thence south along the rear property lines of properties fronting on Erskine Avenue approximately 320 feet to a property corner; thence west along a side property line of a property fronting on Erskine Avenue approximately 36

feet to a property corner; thence south along rear property lines of properties fronting on said avenue approximately 220 feet to a property corner; thence west along a side property line of a property fronting on Erskine Avenue approximately 144 feet to the eastern right-of-way line of Erskine Avenue; thence south along said right-of-way line approximately 153 feet to the northern right-of-way line of Oakland Avenue; thence west along said right-of-way approximately 225 feet to a point; thence south across Oakland Avenue approximately 45 feet to the south right-of-way line of said avenue; thence west along said avenue approximately 190 feet to a property line; thence south along a side property line of a property fronting Oakland Avenue and East Tahkeeostee Street and line extended across East Tahkeeostee Street and continuing along a side property line to a property fronting said street approximately 231 feet to a property corner; thence west along rear property lines of properties fronting East Tahkeeostee Street approximately 350 feet to a property corner; thence south along a side property line of a property fronting said street approximately 18.3 feet to a property corner; thence west along a rear property line of a property fronting on Tahkeeostee Street and line extended across South Depot Street and continuing along side property lines of properties fronting on South Depot Street and Silico Street and line extended across Silico Street and continuing along a side property line of a property fronting on said street approximately 765 feet to a property corner; thence north along the rear property lines of properties fronting Silico Street approximately 770 feet to the southern right-of-way line of Oakland Avenue; thence west along said right-of-way approximately 20 feet to a point; thence north along the western right-of-way line of Fair Street approximately 225 feet to a property line; thence north along a rear property line of a property fronting Graham Street approximately 235 feet to a property corner; thence west along a side property line of said property approximately 81 feet to a property corner; thence north along the rear property line of properties fronting on Graham Street approximately 850 feet to a property corner; thence west along a side property line of a property fronting on Depot Street approximately 50 feet to a property corner; thence north along the rear property line of said property approximately 150 feet to a property corner; thence east along the side property line of said property approximately 179 feet to the western right-of-way of Depot Street; thence northeast across said street and along the northwestern right-of-way line of Elsie Alley approximately 345 feet to the southwestern right-of-way of Ralph Street; thence north along said street and across Bartlett Street approximately 465 feet to the intersection of the northern right-of-way line of Bartlett Street and western right-of-way line of Nelson Street; thence east across Nelson Street approximately 20 feet to the intersection of the northern right-of-way line of Bartlett Street and eastern right-of-way line of Nelson Street; thence north along the eastern right-of-way line of Nelson Street approximately 950 feet to a point; thence continuing north across said street and along the western right-of-way line of Tiernan Street approximately 65 feet to a property line; thence west along a side property line of a property fronting said street and a side property line of a property line fronting Depot Street and line extended across said street approximately 262 feet to the western right-of-way line of Depot Street; thence north along said right-of-way and across the intersection of Depot Street, Clingman Avenue and Eugene Avenue approximately 1,170 feet to the northern right-of-way line of Eugene Avenue; thence easterly and northerly along the western right-of-way line of said avenue approximately 30 feet, 230 feet, 328 feet, 118.9 feet, 130 feet, 251.3 feet, 156 feet, 220 feet and 29.15 feet to the southern right-of-way line of New Street; thence northeasterly across said street approximately 55 feet to the intersection of the northern right-of-way line of New Street and western right-of-way line of Eugene Avenue; thence continuing northeasterly along the western right-of-way line of Eugene Avenue approximately 42 feet to a point; thence east along the north right-of-way line of said avenue approximately 22 feet to a property line; thence north along a side property line of a property fronting Hilliard Avenue and line extended across said avenue approximately 504 feet to the northern right-of-way line of Hilliard Avenue; thence east along said right-of-way line approximately 1,900 feet to the point of beginning.

Which resolution was, upon motion of Councilman Algary, seconded by Councilman Crouch adopted, with Councilman Sumner voting no.

Complete copy of resolution will also be found in Resolution Book #5 at pages 26, 27, 28, 29.

The City Manager advised that today is the date set for the public hearing on the proposed **rezoning** of certain property on North Louisiana Between Patton Avenue and Hazel Mill Road, and the zoning of the property annexed by Ordinance 532.

There being no objection, Councilman Morgan introduced Ordinance #537, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, June 30, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 30, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 537, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary Voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing members of Recreation Board for Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 30.

There being no further business, the meeting was, upon motion, adjourned.

MAYOR

CITY CLERK

Thursday, July 7, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 7, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Wilson Worley, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the United States Department of Agriculture, Forest Service, requesting the rezoning of Lots 1-5 to 1-13, Ward 7, Sheet 28, and asking for an early review.

The request was referred to the Planning and Zoning Commission with a request that the matter be expedited.

Ordinance No. 537, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman McRary, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 537

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lots 70-1/2, 89, 72-1/4, 72, 81, 82, 72-1/2, 60, 61, 62, and 62-1/4, Sheet 17, Ward 6

(b) That the following described property be zoned RA-10 RESIDENTIAL DISTRICT:

BEGINNING on an iron pipe in the existing City Limit Line, said iron pipe being located in the Eastern right of way margin of Bell Road and the Western corner of Lot No. 12 as shown on a plat of the Clyde Munn property recorded in Buncombe County, N. C. Plat Book 34 at page 52; thence with existing City Limit Line the following courses and distances: North 30 deg. -40' -40" East, 174.38 feet; North 19 deg. -01' East, 9.98 feet; North 18 deg. -25' East, 38.00 feet North 24 deg. -05' East, 131.95 feet; North 28 deg. -47' East, 20.00 feet; North 14 deg. -18' East, 76.90 feet; North 64 deg. -51' East, 139.95 feet; North 57 deg. -06' East, 232.30 feet to an iron pipe in the Southwestern right of way margin of the Blue Ridge Parkway; thence with said right of way of said Parkway South 62 deg. -28' -30" East, 621.75 feet to a concrete monument; thence South 13 deg. -46' -30" East, 170.57 feet to a concrete monument; thence with Blue Ridge Parkway and Oteen General Hospital line North 87 deg. -41' -30" West, 664.25 feet to a concrete monument marked No. 7 of said hospital property; thence with the West line of said Hospital property South 33 deg. -31' West, 85.40 feet to a concrete monument; thence South 18 deg. -12' West, 150.75 feet to a concrete monument; thence South 32 deg. -04' West, 178.98 feet to an iron pipe, said pipe being the Southern corner of Lot No. 12 as shown in Plat Book 34 at page 52; thence leaving Oteen General Hospital property and with the Southwest line of said Lot No. 12 North 49 deg. -59' -10" West, 305.70 feet to the point of BEGINNING. Containing 8.486 Acres.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

I move the adoption of the foregoing ordinance, this 23 day of June, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

read, approved and adopted, this 7 day of July, 1966, to become effective 22 day of July, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Sumner brought up the matter of a statement by James W. Greer, Executive Director of the Asheville Redevelopment Commission, to the Council on June 23rd to the effect that the resale of project property had been held up for twenty-two months by State Highway Commission delays in approving street patterns, and to which he, Mr. Sumner, had stated that he had been informed by State Highway officials that no street pattern proposals were currently before the Commission.

Councilman Sumner stated he wished Council members to be informed of the contents of a letter he had received from Mr. Greer, and had the letter read by the Corporation Counsel, in which Mr. Greer advised that conferences had been held with State Highway engineers dating back to September, 1964, that the last such conference was held on the 7th of this year, and that a final decision will be made within the next forty-five days.

Councilman Algary stated that he was familiar with the statements contained in the letter, and that he was in favor of the Central Avenue and Vance Street line for the freeway, believing it to be to the best interests of the City as a whole, and particularly the downtown area.

The City Manager advised that the north-south expressway and street patterns in the Redevelopment Project have to be related to the new tunnel, and that the whole matter will be brought back to the Council.

The City Manager advised that it was necessary to adopt an interim appropriation ordinance to take care of current operations until the adoption of the new budget.

Councilman Mulvaney then introduced Ordinance No. 538, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary moved that the charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 538, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 538, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 538

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1966 to the date of the adoption of the 1966-67 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1965-66 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1966-67 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1966-67 Ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 7th day of July, 1966.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 7th day of July, 1966, to become effective 7th day of July, 1966.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager reminded the Council that there would be no meeting on July 14th, this being the date set aside for the study of the budget.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 14, 1966 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, July 21, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 21, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition was received from Mrs. Edna L. White requesting the rezoning of Lots 57, and 58, Sheet 8, Ward 6, East side of Louisiana Avenue.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 165 through 173, Sheet 28, Ward 7 from RA-5 Residential District to Industrial.

July 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of the U. S. Department of Agriculture:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 165 through 173, Sheet 28, Ward 7, be rezoned from RA-5 Residential District to Industrial.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 1 through 15, Sheet 23, Ward 9 from Neighborhood Trading Area to RA-10 Residential District.

July 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. John C. Palmer and others in Beaver Point Park:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 1 through 15, Sheet 23, Ward 9, be rezoned from Neighborhood Trading Area to RA-10 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the zoning of Eastwood Forest Development, annexed by Ordinance No. 536, RA-6 Residential District.

July 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission today, the Commission reviewed a copy of City Ordinance No. 536 which annexed Eastwood Forest Development into the city limits effective July 1, 1966. The Commission took the following action:

It was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 536 be zoned RA-6 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lot 225, Sheet 19, Ward 9.

July 13, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. William Freel:

It was moved, seconded and unanimously passed that the Commission recommend that Lot 225, Sheet 19, Ward 4, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

Councilman Algary introduced a resolution inquiring as to procedures to institute business district renewal program and requesting determination of blighting conditions, which was seconded by Councilman Morgan.

Councilman Sumner stated that he thought it was a waste of time to go through this procedure.

The City Manager advised that such determination of blighting conditions is a requirement under the General Statutes.

Following the discussion, the resolution was adopted with Councilman Sumner voting no.
Complete copy of resolution will be found in Resolution Book 5 at page 31.

The City Manager advised that a lease had been negotiated with Dr. William Ray Griffin and wife for an off-street parking lot on Grove Street which will accommodate 70 cars.

Councilman Crouch introduced a resolution authorizing Mayor to execute lease with William Ray Griffin and wife, Hilda S. Griffin, for operating off-street parking facility by city, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 32.
Copy of lease will be found attached to original resolution.

Councilman McRary introduced Ordinance No. 539, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1966-67", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Miss Fannie McCoy read a letter opposing the adoption of the budget and the increased water rate.

Councilman Sumner pointed out that Council approved the water charge increase because it put some 40% of the cost of the proposed improvements on county water customers, since a major part of the water system extension will take place in the county, customers outside the city should share the costs.

Councilman Morgan introduced Ordinance No. 540, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES AND METER RENTAL", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented architects' estimates to provide a Central Library Building, Civic Arts Center, and Convention Center at a total estimated cost of $10,807,800; called attention to the East Riverside Urban Renewal Project, subject to capital funds of $1,400,000, and pointed out the need for a new athletic complex to replace McCormick Field and Memorial Stadium at an estimated cost of $750,000, the total estimated cost for these improvements being $12,957,800.00.

In line with the resolution adopted by the City Council on January 27, 1966, I want to file with the City Council architects' estimates to provide the following facilities:

Central Library Building	$1,818,800.00	
Civic Arts Center	2,889,000.00	
Convention Center	6,000,000.00	
Total Estimated Cost		$10,707,800.00
In making this report public, your attention is directed to the East Riverside Urban Renewal Project, subject to capital funds of		1,400,000.00
Also, the need for a new athletic complex to replace McCormick Field and Memorial Stadium with ample parking. The estimated cost of this facility is as follows:		
20 acre site	$ 200,000.00	
Site improvements	150,000.00	
7,000 seat stadium	400,000.00	
Total for first phase of this improvement		750,000.00
TOTAL ESTIMATED COST FOR THE ABOVE IMPROVEMENTS		$ 12,857,800.00

"The Civic Arts Center plan calls for a convertible auditorium with a seating capacity of 500 to 1200. This is in conflict with the auditorium facility suggested in connection with the Convention Center. If this is resolved, the above total would be reduced $569,000.00.

"Federal grants are available in part for some of the above improvements. Cost to the city would be reduced in the amount of such federal grants.

"Capital fund requirements for these facilities are made public at this time as information. A definite schedule could be adopted at a later date by the Council to accomplish this program."

Councilman Sumner inquired how much taxable property would be taken from tax books, and about the increase in taxes to finance this program.

The City Manager advised that the projects are necessary for community development, and can be expected to trigger considerable private investment. The City Manager further advised that the city expects some federal aid and under state law the city can borrow up to $16,000,000 for general debt on an assessed valuation of $204,000,000, and that he is of the opinion that with federal aid this program would be within the city's debt limitation, and that amortizing bond issues totaling $9,000,000 would add 45¢ to the city's proposed new property tax rate of $1.35 per $100 of assessed valuation.

Councilman Algary pointed out that the proposed convention center will also serve a wide variety of community uses.

The City Manager advised that the city had finally been able to reach an agreement with many of the owners of properties on each side of Merrimon Avenue within the area referred to in that resolution passed by this Council on July 12, 1962. However, the city had not been able to reach any agreement with E. V. Going and wife, Mary Going, owners of Lot 20, Sheet 3, Ward 2, said property being occupied by a filling station at the southwest intersection of Merrimon Avenue and Chestnut Street, and the property now owned by the heirs of Lillie V. Wilson, deceased, being Lot 140, Sheet 3, Ward 2, and known as #229 Merrimon Avenue.

Whereupon, it was moved by Councilman Sumner that the Mayor proceed to issue a writ as provided by law commanding a policeman to summon a jury of six freeholders of the city and establish a time for the assembling of said freeholders, and thereafter proceed as by law provided to assess damages, if any, and special benefits, if any, to the properties referred to herein, which motion was seconded by Councilman Algary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, July 28, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 28, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. W. McRary and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 539, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1966-67", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

Ordinance No. 540, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES AND METER RENTAL", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

The City Manager presented the audit of the City of Asheville Board of Alconolic Control for the period ending June 30, 1966.

Mr. E. L. Demmon, vice chairman of The Keep Asheville Beautification Committee, presented a progress report of the activities of this committee, including recommendations for city action, and requested appointment of a full time city employee to work with the committee.

The Mayor thanked the committee for their work, and expressed the hope that the city could follow through on the recommendations.

Miss Lynn Simon, a playground supervisor in the Parks and Recreation Department, presented to the city a replica of the City Seal made by children from the Eugene Rankin Playground in their summer craft program, and introduced the children who had worked on this project.

Mr. Floyd Miles suggested that the north-south freeway should go underground, entering a tunnel on Broadway at Coffin Street and emerging at Southside Avenue.

Mayor Eller advised that the State Highway Commission will hold a meeting here on August 10th.

The City Manager introduced Miss Diane Ramsey and Eddie Viedenbaugh, students of State College, who are making a study of city government.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, August 4, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 4, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from The Trane Company protesting the increase in water rates.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 57 and 58, Sheet 8, Ward 6.

August 3, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mrs. Edna L. White:

It was moved, seconded and unanimously passed that the Commission recommend that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that Lot 1-1/4, Sheet 3, Ward 7, be rezoned from RA-5 Residential District to Business District.

August 3, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of the Lynn Corporation:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 1-1/4, Sheet 3, Ward 7, be rezoned from RA-5 Residential District to Business District.

Sincerely yours,

AR/nr

S/ Anthony Redmond
Anthony Redmond,
Secretary

The developer was present and advised that a shopping center is planned for this tract.

A letter was received from the Planning and Zoning Commission recommending the rezoning of a sizable area on Sunset Mountain, and excluding from such rezoning an area east of Town Mountain Road which includes the Tiara Apartments and Seely's Castle tracts.

August 3, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today the following action was taken on the request of Mr. Robert L. Vaillancourt, Sunset Mountain Home Owners' Association:

It was moved, seconded, and unanimously passed that the Commission recommend that:

(1) All property within the Asheville City Limits shown on Sheet 13, Ward 2 of the Asheville City Tax Maps which is easterly of Sunset Drive be rezoned from RA-8 Residential District to RA-10 Residential District, except the property lying between Town Mountain Road and the City Limits - being the Seeley property - will remain RA-8 Residential District.

(2) All property within the Asheville City Limits shown on Sheet 5, Ward 9 of the Asheville City Tax Maps northerly of the property described in Item (1) above and easterly of Sunset Drive which is now RA-8 or RA-9 Residential District be rezoned RA-10 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Morgan moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same to be held on September 1, 1966, which motion was seconded by Councilman Algary and unanimously adopted.

Ordinance No. 539, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1966-67", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 539

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1966-67

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1966 and ending on June 30, 1967, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 595,929.52	
[illegible]	34,047.58	
Finance	72,939.36	
Taxation	111,967.60	
Public Safety	1,822,306.99	
Libraries	191,953.41	
Public Works	1,409,665.48	
Parks and Playgrounds	387,790.06	
Cemetery Management	102,950.00	
Total General Operating Fund		$ 4,729,552.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$ 2,034,941.00	$ 2,034,941.00

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 716,909.00	
Water Refunding Bonds	230,000.00	
Water Bonds Issue 1951	193,116.05	
Water Bond Issue 1961	267,240.05	
Airport Bond Issue 1 and 2	108,196.00	
Urban Redevelopment Bonds	70,593.00	
Total Debt Service Fund		$ 1,586,054.10
TOTAL APPROPRIATIONS		$ 8,350,547.10

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 1966 and ending on June 30, 1967 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 1,809,702.00	
Other Revenues as follows:		
Business License & Privilege Taxes		232,300.00
Payment in Lieu of Taxes		660,000.00
Fees		130,200.00
Parking Meter Fees		80,000.00
Court Costs		92,000.00
Rents		66,000.00
Income from Parks		96,850.00
Miscellaneous		131,500.00

Contribution from State Street Fund	$ 300,000.00
Contribution from Housing Authority	18,000.00
Contribution from State Rev. Dept.	90,000.00
Contribution from A B C Stores	675,000.00
Riverside Cemtery Co.	18,000.00
Aviation	80,000.00
Current Year's Poll Tax and Taxes Other than Current Year's Property Tax and Other Than Hereinbefore Itemized	250,000.00
TOTAL GENERAL OPERATING FUND	$ 4,729,552.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$2,034,941.00
	$ 2,034,941.00

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 895,698.00
Water and Other Charges from Water Department	690,356.10
TOTAL DEBT SERVICE FUND	$ 1,586,054.10
TOTAL ESTIMATED REVENUES	$ 8,350,547.10

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1966, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.9030
Debt Service Fund (for payment of interest and principal on outstanding debt of general Refunding Bonds)	.4470
Total rate per $100 of valuation of taxable property	$1.35

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $204,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 21 day of July, 1966.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 4 day of August, 1966, to become effective 4 day of August, 1966.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 540, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES AND METER RENTAL", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 540

AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES AND METER RENTAL

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That on and after the 1st day of September, 1966 the water rates and charges for use from the municipal water supply shall be:

Minimum rate, per month $2.54 allowing 2,250 gallons.
Next 27,750 gallons or fraction thereof used per month, $1.02 per 1000 gallons.
Next 170,000 gallons or fraction thereof used per month, .75 per 1000 gallons.
Next 300,000 gallons or fraction thereof used per month, .51 per 1000 gallons.
Next 2,500,000 gallons or fraction thereof used per month, .25 per 1000 gallons.

One Cubic Foot Equals 7½ Gallons.

Water shall not be furnished in excess of 3,000,000 gallons per month to any single consumer, except at such metered rates and upon such terms and conditions as may be approved in each case by the City Council.

Section 2. That the rates and charges for rent on meters owned by the City of Asheville connected with the municipal water supply shall be:

. . . . . 10¢ per month	3" . . . . . .$1.25 per month
. . . . . 12¢ per month	4" . . . . . .$2.00 per month
. . . . . 18¢ per month	6" . . . . . .$4.50 per month
. . . . . 50¢ per month	8" . . . . . .$6.50 per month
. . . . . 65¢ per month	12" Crest Meter . . . . . .$7.00 per month

Section 3. That if any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. The Council of the City of Asheville hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, phrase or portion of this ordinance irrespective to the fact that any one or more sections, sub-sections, sentences, phrases or portions be declared invalid.

Section 4. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That this ordinance shall be in full force and effect on and after the 1st day of September, 1966.

I move the adoption of the foregoing ordinance, this 21 day of July, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 4 day of August, 1966, to become effective 1st day of September, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 11, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 11, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Robert P. Crouch, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from Mrs. Edna L. White requesting a re-hearing on her original petition for the rezoning of Lots 57 and 58, Sheet 8, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Mr. John F. Shuford advising that Memorial Mission Hospital of Western North Carolina will offer for dedication to public use the roads within the hospital grounds, as shown on a plat prepared by Carter Hearden, which plat will be recorded in the office of the Register of Deeds for Buncombe County. Mr. Shuford requested that the City Council accept the dedication of said streets for public use.

Following a discussion, Councilman Sumner moved that the streets shown on said plat be accepted as public thoroughfares, which motion was seconded by Councilman Crouch and unanimously adopted.

A petition was received from the Young Men's Christian Association of Asheville, Incorporated requesting that the City Council release its present lease on the Asheland Avenue School property, located on the east side of Asheland Avenue between Silver and Phifer Streets, in order that the YMCA may negotiate purchase of this property from the Asheville City School Board, the present plans being to construct a new branch building to be known as the South Central Branch Y.M.C.A. on this site.

The City Manager advised that some fifteen years ago the City entered into a fifty year lease for this property, and that it is serving as a recreational facility for this area. The City Manager recommended that if the YMCA is successful in its negotiations with the school authorities and can secure a deed to this property, that the city cancel its lease.

Councilman Crouch moved that the Council go on record as approving the recommendation of the City Manager, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that plans and specifications for the construction of the Oakley Fire Station-Community Center have been prepared by Gudger, Baber and Wood, Architects, and that funds amounting to $100,000 are already in the Fire Department's 1966-67 budget to pay for part of the project, with an additional appropriation to be made at the beginning of the next fiscal year.

Councilman Morgan introduced a resolution authorizing City Manager to advertise for bids for construction work for the Oakley Fire Station-Community Center, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 33.

The City Manager advised that the term of J. Alfred Miller as a member of the Redevelopment Commission of the City of Asheville would expire on August 21st.

Councilman Algary introduced resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 34.

The City Manager advised that since the adoption of Ordinance 540 establishing new water rates and charges it was now necessary to establish new rates for consumers of water in excess of three million gallons per month.

Councilman Algary discussed resale rates, and stated that in case of water being sold to a municipality for resale that this should be taken into consideration.

Following the discussion, Councilman Mulvaney introduced a resolution approving application of various public institutions or hospitals, municipalities, industrial, textile, manufacturing, agricultural and dairying operations or businesses for use of water in excess of three million gallons per month, and establishing rate therefor pursuant to ordinance, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 35.

The City Manager advised that S. B. Penick & Company, although giving up its operation here, felt close to this community, and wished to convey to the City of Asheville its real property located at Broadway and Catawba, which property has an appraised value of $26,250.00, for public purposes.

Councilman McRary suggested that if this property is developed as a park, that it be called Penick Park.

Councilman McRary then introduced a resolution accepting deed of gift from S. B. Penick & Company, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 36.
Deed will be found attached to original resolution.

The City Manager advised that today is the date set for a public hearing on the proposed zoning requested by the U. S. Forest Service property located in Biltmore Ward No. 7 fronting on Iris Drive and Shady Oak Drive; the property owners in Beaver Point Park; and property in Eastwood Forest Development annexed by Ordinance No. 530.

There being no objection, Councilman Crouch introduced Ordinance No. 541, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that he had received a letter from the attorney for Ambulance Service of Asheville, Inc., advising that an audit of the firm's finances showed a financial loss for the nine-month period ending May 31, 1966, and further advising that the firm would cease operations as of 12:01 on September 1, 1966.

The City Manager further advised that a conference had been arranged for Friday, August 12th, with all funeral directors in Asheville and Buncombe County, since they brought this matter to the Council more than a year ago advising they were going to discontinue this service, and that every effort would be made to work out a solution to this matter, and a report would be made to the Council.

Councilman Algary discussed the increase in city expenditures over the years, and pointed out the many improvements the city has initiated, including development of the water supply with a new dam, transmission and expansion of the water system; new airport; improvement of schools; removal of urban blight; upgrading of traffic, including expressway and interstate connectors; all of which has aided not only the City of Asheville and Buncombe County, but all of Western North Carolina; and pointing out the new facilities which are now being planned, stating that the City has done its best to help the community grow.

Councilman Sumner stated he thought the urban blight could have been removed by enforcing present laws without using federal funds, and that he felt in community improvement projects the county government and county residents should pay their pro-rata share of the expense.

The City Manager commented that Asheville is the service center for this area and should maintain this position with a high level of service. The City Manager further stated that there have been many interruptions in water service because of highway construction, which has been a hardship on many residents, and he wished to commend these residents for their splendid aid in understanding this problem.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, August 18, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 18, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, Robert P. Crouch, J. W. McRary, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 541, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Mr. Frank Coxe, President of the Greater Asheville Council, spoke on the proposed community facilities program which includes a new Convention and Civic Events Center, a Civic Arts Center, a replacement for Pack Memorial Library, the city's share of costs for the East Riverside Urban Renewal Project, and a new athletic complex, and introduced C. T. A. Uzzell, Jr., chairman of the Greater Asheville Council study committee.

Mr. Uzzell stated that the committee had held a preliminary meeting concerning this matter, and assumed a bond issue would be required, and requested information on the city's legal borrowing limits, limitations which might be imposed by the Local Government Commission, and what contributions might be made by state and federal governments.

Mr. Uzzell further stated that the committee wished to do a careful piece of work in assisting the City Council and citizens, and asked the Council to authorize the City Manager to confer with the Local Government Commission and to search out all available federal and state assistance, as well as potential help from private sources.

The City Manager advised that under state statutes local governments are limited in their borrowing to eight per cent of assessed property valuation, the city's present legal limit on general debt being $16,000,000; that the city now owes $7,000,000 in general debt, leaving a $9,000,000 limit on new borrowing.

Councilman Algary said the proposed Convention and Civic Events Center would replace the present City Auditorium, would serve many purposes, and should be called a Community Center.

Following the discussion, Councilman Crouch moved that the City Manager be authorized to make the study requested by the Greater Asheville Council, which motion was duly seconded and unanimously adopted.

The City Manager advised that a meeting had been held with the County Commissioners concerning ambulance service, and it was agreed that a joint city-county ambulance department should be created. The City Manager further stated that a budget would have to be worked out for the proposed department, as well as other details, and that a plan would be submitted to the City Council.

The City Manager suggested that a five man committee be appointed immediately to work out details, and suggested that members of the committee should be Dr. Jesse P. Chapman, president of the Buncombe County Medical Society; Louis D. Duval, president of the Asheville Hospital Association; Richard Dillingham, president of the Buncombe County Volunteer Firemen's Association; Carl B. Hyatt, Director of Public Safety; and E. M. Salley, Jr., County Purchasing Agent.

Mr. Salley was present, and advised that he was of the opinion that the committee could meet the September 1st deadline.

Councilman Crouch asked if a subdisizing agreement could be reached with Ambulance Service of Asheville, and the City Manager advised that the city and county are already heavily subsidizing the operation.

Councilman Algary suggested that the municipalities of Biltmore Forest, Black Mountain and Weaverville should also share in meeting ambulance operating costs, and the City Manager stated this is one of the questions to be explored by the emergency committee, along with the advisability of increasing the charge for ambulance calls from the present $15.00 to $20.00.

The City Manager suggested that the ambulance department be manned in part by firemen and policemen, and estimated the annual cost of the department would be $100,000, with $60,000 in collectible income, and a resulting deficit of $40,000 to be shared equally by city and county.

The City Manager, in response to a question concerning the possibility of purchasing the four ambulances used by Ambulance Service of Asheville, advised that this had been discussed with the company, but that the terms were impossible.

Councilman Mulvaney asked if the company would continue the service past September 1st if the new department cannot be functioning by that date, and was advised by Kenneth C. Ashley, manager of the company, that the firm will not continue service.

The Council concurred in this approach.

The City Manager stated that the city has a responsibility in providing necessary services to the citizens, and that the next step will be bus service; that unless private enterprise will do the job, the city has no alternative except to provide the community with modern bus service; and that he was sure this matter would again be before the Council.

Councilman Algary pointed out that White Transportation Company took over this service from Carolina Power & Light Company, and he was of the opinion that an election should have been required at that time as provided by the City Charter.

Miss McCoy again protested the increase in water rates, and the addition of fluorine to the municipal water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 25, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 25, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Shell Oil Company requesting the rezoning of Lot 1, Sheet 18, Ward 2 from RA-M District to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by residents and property owners on Shorewood Drive and Lakeshore Drive, requesting the rezoning of their property from RA-8 to RA-9, was received.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 541, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 541

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE",AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-5 Residential District to INDUSTRIAL DISTRICT:

Lots 105 through 113, Sheet 26, Ward 7

(b) That the following described property be rezoned from Neighborhood Trading Area to RA-10 RESIDENTIAL DISTRICT:

(c) That the following described property be zoned RA-8 RESIDENTIAL DISTRICT:

Beginning on a concrete monument in the existing City Limits Line, said concrete monument being located in the U. S. Government (Oteen Hospital) Property Line and the Northeast corner of the Parkway Knolls Subdivision; thence with the present City Limit Line North 87 deg. 01' West-1,123.54 feet (City Limit Bearing 1960 North 86 deg. 37' West)to a concrete monument in the western margin of a road known as Memory Lane; thence North 3 deg. 37' East-240.33 feet to a stake; thence North 87 deg. 12' West-102.00 feet to a stake; thence North 26 deg. 32' East-150.38 feet to a stake; thence North 31 deg. 33' East-258.8 feet to a stake; thence South 86 deg. 23' 30" East-1,030.93 feet to a concrete monument in the U. S. Government Line; thence with said Line South 2 deg. 12' West-593.98 feet to the BEGINNING. Containing 15.51 Acres.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 11 day of August, 1966.

Robert P. Crouch
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 25 day of August, 1966, to become effective 9 day of September, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Algary introduced a resolution requesting the State Highway Commission to extend North Carolina Highway Route 9, from the intersection of State Street, Broadway and Montreat Road, Black Mountain, North Carolina to the Blue Ridge Parkway at Mile 355.4 (AN APPROXIMATE STRAIGHT-LINE DISTANCE OF 7 3/4 MILES) to join N. C. Highway Route 128 in Mt. Mitchell State Park, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 37.

The City Manager advised that the committee appointed in connection with the ambulance service had held a meeting on Saturday afternoon, and this committee felt that government had a responsibility in this matter, and that this was the right approach, suggesting that fees be established at $20.00 across the county.

Councilman Algary discussed the legality of the transfer of the bus franchise from Carolina Power & Light Company to White Transportation Company without a vote of the people, and made a motion that the City Manager and Corporation Counsel secure an opinion from the State Attorney General on this question, which motion was seconded by Councilman Sumner and unanimously adopted.

Councilman Algary discussed highway plans, and stated he thought the State Highway Commission should be requested to improve the highway from Asheville to Brevard, and especially from I-26 to Brevard, in order that citizens in this area would have better access to I-26 and I-40.

Mr. Herschel Harkins, attorney for White Transportation Company, advised the Council that the company would welcome an expert survey of the mass transportation problem in Asheville, and thought funds for the survey could be secured under the federal Mass Transportation Act. Mr. Harkins further advised that for the first time the trend is encouraging and cited an increase in passenger revenues for the company, and that the company has no present intention to ask for a rate increase despite a wage hike of 15¢ an hour recently granted to operating personnel under a new union contract.

Councilman Sumner reminded Mr. Harkins that the company some time ago agreed to install devices for reducing fumes from the buses, and Mr. Harkins stated the company abandoned the project when it became apparent that it was the only outfit being required to abide by the ordinance, and further the firm at present can't afford the cost of installation at $200 per bus.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, September 1, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 1, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, W. F. Algary, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from Jesse Wiggins and Connie Wiggins that their six acre tract along Ridge Avenue in the Oakley section be rezoned from Residential to permit a trailer park.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was read from the Citizen Participation League of the East Riverside Urban Renewal Area requesting information on the alleged delay in financing the City of Asheville's one third share of this project.

The City Manager stated that there has been no delay on the part of the city, pointing out that a public hearing was held on June 23rd by the City Council, at which time the Council passed a resolution approving the Urban Renewal Plan and Relocation of Project NC R-48; that on August 22nd assurance was received of a Federal grant of $6,200,000 for this project; that on August 24th he received a letter from James W. Greer, Executive Director of the Redevelopment Commission giving a breakdown of the city's one-third share of this project, totaling $1,400,000, and advising of the necessity to hold an election on the bond issue on or before December 19, 1966; that it is necessary to secure approval of the Local Government Commission at Raleigh of such bond issue, and that he has arranged a meeting with W. E. Easterling of the Commission for September 9th; that a meeting would then be arranged with bond attorneys who would appraise the city's ability to retire the bonds; that the city's bonded debt ceiling probably would not have permitted an additional $1,400,000 bond issue until after the real estate tax assessment ratio was raised from 40 per cent of market value to 50 per cent, which raise was only reflected in the city budget adopted for the year beginning July 1st; and that the city is proceeding as rapidly as possible under the law.

The City Manager further advised that the urban renewal problem will not interfere with the Housing Authority's progress on the 500 new low-rent public housing units which will be erected in the project area.

Questions were asked by Reverend William S. Jones, pastor of the Calvary United Presbyterian Church and Chairman of the Ministerial Alliance's Civic Affairs Committee; Percy Ridley; Luther Thomas; Mrs. Nell Stroupe; and Mrs. Ryan.

Councilman Algary stated he was thoroughly familiar with this project, and that the matter is being handled as rapidly as possible.

Councilman Sumner stated that he was not in favor of the project, was of the opinion that a bond issue would be defeated at the present time, and that is the reason it is being linked with the bond issue for such public improvements as convention center, civic arts center, and new library.

Miss Fannie McCoy protested the increase in water rates.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of certain property in Biltmore bounded by Irwin, Reed and Lula Streets as requested by The Lynn Corporation, and the proposed rezoning of property on Sunset Mountain requested by Sunset Mountain Home Owners' Association.

Mr. Glenn Kelly, attorney for the Sunset Mountain Home Owners' Association, requested that the Seely Castle and Tiara Apartment property be included in the RA-10 zoning. Colonel Chester Hough also spoke in this behalf.

Speaking against the rezoning of the Biltmore property were Mr. J. D. Lyda, Mrs. Tom Cole, and questions asked by Mr. Carl Allen.

Mr. George Beverly, developer, spoke in favor of the rezoning, advising that he wants to build high-type retail business establishments, and stating that he will provide a 20-foot wide buffer zone of shrubbery and trees along Reed and Irwin Streets to keep sight of business activity away from nearby homes.

Following the discussion, Councilman Sumner introduced Ordinance #542, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Audit Report of Gordon Ramsey, Tax Collector for the Board of Tax Supervision for Buncombe County and the City of Asheville, for the year ending June 30, 1966.

The City Manager presented the Airport Layout Plan Report for the Asheville Airport, as prepared by John Talbert & Associates, Inc., Consulting Engineers, and gave a brief review of the report and its recommendations for lengthening the runway, construction of additional fixed base facilities for private aircraft, and construction of an air cargo building with aircraft and trunk aprons, totaling $1,509,000, of which the city's share would be $823,500 and FAA would pay $685,500, said improvements to be completed by 1970.

Councilmen Algary and Sumner suggested setting aside money now to meet this future expense.

In response to questions, the City Manager stated he was informed that the three airlines furnishing service at the airport are of the opinion that the present runway is sufficient to handle jet passenger aircraft,

that he concurred with the recommendations contained in the report, which has had preliminary approval from the Federal Aviation Agency in that it was presented to them several months ago and their comments suggested no changes to the runway lengths recommended in the report.

The City Manager further advised that the manner of financing the improvements would have to be studied.

Councilman Mulvaney called attention to the fact that schools are now in session, and moved that the Council go on record as appealing to all drivers to be considerate of the safety of school children, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

Eller

Margaret P. Simmons
CITY CLERK

Thursday, September 8, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 8, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. T. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Sherwood Heights."

September 8, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached print entitled "Sherwood Heights" shows the subdivision of land in the Beaver Lake section. This subdivision was given preliminary approval by the Asheville Planning and Zoning Commission. It is recommended that this subdivision be given final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

Councilman Morgan moved that the plat entitled "Sherwood Heights" be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Crouch and unanimously adopted.

A letter was received from R. L. Bailey requesting the rezoning of Lots 133, 134, 135 and 137, Sheet 20, Ward 8, in order that same can be developed as a trailer park.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 95 through 100, Sheet 19, Ward 4.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Murry Miller, Trust Officer for Wachovia Bank, Co-executor of the Will of Roy P. Booth and Trustee for Kester Walton:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that Lots 95 through 100, Sheet 19, Ward 4, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 57 and 58, Sheet 8, Ward 6, as requested by Mrs. Edna L. White.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission took the following action on the request of Mrs. Edna L. White:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned. The Commission feels that to grant this request would permit business to penetrate into a residential area, would increase traffic on Louisiana Avenue, and would constitute "spot zoning."

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 1, Sheet 18 from RA-M District to Neighborhood Trading Area.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of the Shell Oil Company:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 1, Sheet 18, Ward 2, be rezoned from RA-M District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that Lakeview Estates Subdivision, Plat Book 26, page 46, be rezoned from RA-8 Residential to RA-9 Residential District.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition of property owners in the Lakeview Estates Subdivision:

It was moved, seconded, and unanimously passed that the Commission recommend that the Lakeview Estates Subdivision, Plat Book 26, Page 46, be rezoned from RA-8 Residential District to RA-9 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that all property east of Macon Avenue, now zoned Institutional District, be rezoned to RA-10 Residential District, with the exception of the Grove Park Inn property lying east of Macon Avenue.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission at the August meeting directed the staff to study and make recommendation on the areas that are presently zoned Institutional District on Sunset Mountain.

The staff report was presented and studied by the Commission. Notice was given of the opportunity for the public to be heard at the September 7 meeting.

After the hearing, the Commission voted unanimously to recommend that all property east of Macon Avenue, now zoned Institutional District, be rezoned to RA-10 Residential District, with the exception of the Grove Park Inn property lying east of Macon Avenue.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that all property which is presently zoned Commercial from the Biltmore Viaduct to the Overpass on McDowell Street be rezoned to Neighborhood Trading Area, with the exception of the Lee Edwards High School and Asheville-Buncombe Tech property which will be rezoned to Institutional District.

September 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission directed the staff to study and make recommendation on zoning on McDowell Street in the vicinity of the high school.

The staff report was presented and studied by the Commission. Notice was given of the opportunity for the public to be heard at the September 7 meeting.

After the hearing, the Commission voted unanimously to recommend that all property which is presently zoned Commercial from the Biltmore Viaduct to the Overpass on McDowell Street be rezoned to Neighborhood Trading Area, with the exception of the Lee Edwards High School and Asheville-Buncombe Tech property which will be rezoned to Institutional District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman Algary questioned the advisability of so much RA-10 zoning, which prohibits construction of apartment buildings.

Ordinance No. 542, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented bids which were received for the construction of the Oakley Fire Station and Community Center, and the recommendation of Gudger, Baber and Wood, Architects, for the awarding of the contract. The City Manager pointed out that $100,000 for the project is included in the current budget, and that the construction will carry over into the next budget year, when the remaining costs can be budgeted.

GENERAL CONTRACT

Merchant Const. Co.	$153,100
W. C. Norris	153,000
Buncombe Const.	156,400
Haywood Contracting Co.	148,800
L. B. Gallimore	162,100

PLUMBING CONTRACT

Moser Plumbing	$13,040
Rogers P. & H.	13,900
Asheville P. & H.	12,440

HEATING CONTRACT

Price Piping Co.	$31,350
Moser Plumbing	29,650
Rogers P. & H.	32,375
R. & W. Incorporated	30,117

ELECTRICAL CONTRACT

Cable Electric	$13,850
M. B. Haynes	13,773
Hayes & Lunsford	15,889
Asheville Electric	14,999

Councilman Crouch introduced a resolution awarding contracts for construction of Oakley Fire Station and Community Center, and directing City Manager to execute same, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 38.
Copies of contracts will be found attached to original resolution.

The City Manager reported that in its first week of operation the new Asheville-Buncombe County Ambulance Service answered 57 calls, of which 36 were emergencies and 21 were routine calls, and that the department is meeting the need for which it was created.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1966.

Councilman Algary brought up the franchise question and asked that the Attorney General also rule on the section of the City Charter which provides that the Council may alter, amend, modify, repeal or revoke any franchise or charter, commenting that it apparently means that a franchise could be voted by the people one week and revoked by the Council the next week, and that this would apply to all franchises and not just that of White Transportation Company.

The City Manager advised that the Corporation Counsel is preparing legal information on the franchise question to be presented to the attorney general, and that a ruling on this point will also be sought.

Councilman Algary referred to complaints made about delays in holding a bond election for the East Riverside Renewal Project, and stated that federal regulations require that families displaced by an urban renewal project must be relocated in suitable housing, and that adequate relocation housing will not be available for East Riverside residents until the Asheville Housing Authority, which will build 500 public low rent housing units in East Riverside, begins to make the units available.

Councilman Algary stated that a house on Central Avenue across from the new apartment house in very bad condition, and that it should be either repaired or razed.

The City Manager advised that this matter is being processed, but where there is an absent owner it is difficult to speed up the procedure.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 15, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 15, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Dr. Robert P. Crouch, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a site plan for the Sandon Drive Apartments.

September 15, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached site plan shows the placement of buildings, drives, and parking areas for a development known as Sandon Drive Apartments. This 42 unit development is located in north Asheville at the end of Sandon Drive Extension.

The Asheville Planning and Zoning Commission at their regular meeting on August 3, 1966, gave preliminary approval to this plan subject to the presentation of a satisfactory storm sewer plan and certification that the building plans were prepared by a Registered Architect.

The storm drainage plan and architect's certification have been satisfactorily presented to the staff of the Planning and Zoning Commission. it is recommended that this site plan be given final approval.

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr
Encl:

The City Manager advised that it was necessary that the Council conduct a public hearing after fifteen days notice, and the earliest date that could be set up was October 6th.

Councilman Crouch moved that the City Clerk be authorized to advertise a public hearing on the above matter for October 6, 1966, which motion was seconded by Councilman Sumner and unanimously adopted.

Ordinance No. 542, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted 'aye'

ORDINANCE NO. 542

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-5 Residential District to BUSINESS DISTRICT;

Lot 1-1/4, Sheet 3, Ward 7

(b) All property within the Asheville city limits shown on Sheet 13, Ward 2 of the Asheville City Tax Maps which is easterly of Sunset Drive be rezoned from RA-8 Residential District to RA-10 RESIDENTIAL DISTRICT, EXCEPT the property lying between Town Mountain Road and the City Limits - being the Seeley property - will remain RA-8 Residential District.

(c) All property within the Asheville City Limits shown on Sheet 5, Ward 9 of the Asheville City Tax Maps northerly of the property described in Item (b) above and easterly of Sunset Drive which is now RA-8 or RA-9 Residential District be rezoned RA-10 RESIDENTIAL DISTRICT.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 1 day of September, 1966.

T. B. Sumner
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 15 day of September, 1966, to become effective 30 day of September, 1966.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

The City Manager reported that the house on Central Avenue discussed at the previous meeting is scheduled for demolition.

The City Manager presented the Audit Report of the City of Asheville for the period ending June 30, 1966.

The City Manager advised in connection with the Workable Program required by the Federal Housing Authority for eligibility for Federal funds that it is necessary that the city upgrade its Housing Code for bedroom space requirements and heating facilities, which amendment would apply to both housing already in existence as well as new housing, but that houses currently occupied by their owners will not be affected by the new requirements until such time as the owner moves and a new occupant (renter or new owner) moves in.

Councilman Sumner opposed the amendments, stating that they were drafted by the federal government which was dictating to us how to run our business, and that the amendments would drive private owners out of the real estate business. Councilman Sumner further stated that it would be impossible to maintain the new heating standards at the present levels of rent.

Following the discussion, Councilman Algary introduced Ordinance No. 543, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "nay"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Sumner discussed the inspection of houses in the East Riverside Project area, stating that temporary permits are being granted and houses not brought up to standard, and wanted to know why this was allowed.

The City Manager advised that temporary permits were granted where the Housing Authority has options on property for construction of new low-cost housing.

The City Manager advised that a resolution had been prepared setting up a schedule for inspection of houses in the City of Asheville, and that it would require until the year 1974 for all properties to be inspected.

Councilman Sumner stated he saw no reason for the resolution, and that this was an administrative matter which could be handled by the City Manager.

Following the discussion, Councilman Crouch introduced a resolution establishing a systematic housing code enforcement program for Asheville, which was, upon motion of Councilman Crouch, passed by the Council with a dissenting vote by Councilman Sumner. Complete copy of resolution will be found in Resolution Book 5 at page 39.

In connection with the proposed bond issue for new Community Facilities the City Manager reported that he had attended a conference with the Local Government Commission in Raleigh; that following the discussion Mr. Easterling, Secretary of the Commission, had agreed to work out a schedule within the next two weeks; and that it appeared possible that an election could be held on the proposal in late January, 1967.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 22, 1966 - 4:00 o'clock P. M.

The City Council of the City of Asheville met in Regular session at the City Hall in the City of Asheville, at 4:00 o'clock p. m., on Thursday, September 22, 1966.

The meeting was called to order by the Vice-Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen W. F. Algary, C. E. Morgan, Robert P. Crouch, J. W. McRary, T. B. Sumner, Vice-Mayor F. M. Mulvaney, and City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

Absent: Mayor E. W. Eller

The minutes of the previous meeting were read and approved.

A letter was received from Mamie C. Presley requesting the rezoning of her property at 103 Edgewood Road. Joining in the request was G. K. Stewart, owner of Lot 34, Sheet 7, Ward 9.

This request was referred to the Planning and Zoning Commission for study and recommendation.

In regard to Ordinance No. 543, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE" Councilman Algary stated he thought the ordinance was fair and should be enacted, but there was some question that the real estate people needed more time in which to study and understand the code, and therefore in deference to them he moved that the second reading of this ordinance be deferred for two weeks, which motion was seconded by Councilman Crouch, and unanimously adopted.

Mr. Carl A. Hyldburg, attorney for the Asheville Board of Realtors, thanked the Council for this action, and Mr. Kenneth A. Partin, president of the Board and head of the Home Builders Association of Western North Carolina, requested that his members be kept informed of all problems concerning housing conditions, and stated they would like to consult and work with the Council and render any assistance they could.

Miss Fannie McCoy spoke in opposition to the passage of the ordinance.

The City Manager recalled that the Council had already approved a request by the Housing Authority for construction of low-rent housing units in the East Riverside Urban Renewal Project, and advised that the Authority is requesting approval of an additional 100 units, all of which involve no cost to the city.

Miss McCoy spoke in opposition to public housing.

The following resolution was introduced by Councilman McRary, read in full and considered:

RESOLUTION

RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW-RENT PUBLIC HOUSING

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the Public Housing Administration is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Public Housing Administration shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") is a public housing agency and is applying to the Public Housing Administration for a preliminary loan to cover the costs of surveys and planning in connection with the development of low-rent housing;

NOW, THEREFORE, be it resolved by the City Council of the City of Asheville of North Carolina as follows:

1. There exists in the City of Asheville a need for such low-rent housing at rents within the means of low-income families;

2. The application of the Local Authority to the Public Housing Administration for a preliminary loan in an amount not to exceed $15,000.00 for surveys and planning in connection with low-rent housing projects of not to exceed approximately 100 dwelling units is hereby approved.

Councilman McRary moved that the foregoing resolution be adopted as introduced and read, which Motion was seconded by Councilman Morgan and upon roll call the "ayes" and "Nays" were as follows:

AYES:	NAYS:
Councilmen McRary, Algary, Crouch, Sumner, and Morgan	None

The Vice-Mayor thereupon declared said Motion carried and said Resolution adopted.

Complete copy of the resolution will also be found in Resolution Book #5 at page 40.

The City Manager advised that the Planning and Zoning Commission of the City of Asheville has certified that the central business district of the City of Asheville is blighted and is a nonresidential redevelopment under the terms of G. S. 160-456(10, and that a resolution has been prepared requesting the Redevelopment Commission of the City of Asheville to proceed with all necessary and proper steps to undertake a renewal program for the Central Business District of the City of Asheville.

Councilman Sumner stated that this was the first step toward putting the central business district under Urban Renewal; that it was giving away personal liberties; and that before any action is taken on the resolution the papers should give the matter full publicity and property owners should have the right to say whether or not they wanted Urban Renewal.

Councilman Algary stated this was not a new venture, having been brought up in April of this year, at which time the Council took no action; that he has made a study of the area, has discussed it with the Merchants Association, Central Downtown Association, Chamber of Commerce, Citizens Advisory Committee, and with many members of these groups individually, all of which have endorsed the program; that the newspapers, radio and TV have given publicity to the matter; that many cities in North Carolina, including Charlotte, Durham, Winston-Salem, Greensboro, High Point, Greenville, Elizabeth City and Morganton, either have such projects under way or in the planning stage; that this is an important step in the rehabilitation of the downtown area; that he is hopeful that a great deal can be done without an additional bond issue; and that not to go ahead would be a backward step in progress in Asheville.

Councilman Sumner stated that people have not been given an opportunity to hear both sides of the question, and moved that action on the resolution be deferred for two weeks.

Councilman Morgan expressed the view that eventually a downtown rehabilitation program will have to be carried out, but he did not think a two weeks delay would prejudice the program, and seconded the motion.

The City Manager advised that even after passage of the resolution it would take at least ninety days for preparation of application for planning funds; that it would take the Federal government approximately four months to review the matter and approve the application, and, if approved, it would then take probably two or two and a half years to prepare detailed plans; all of which would be brought back before the Council.

Miss Fannie McCoy and Mr. A. G. Carver, Jr. spoke against the resolution.

Following the discussion, a vote was taken on the motion, and it was adopted with a dissenting vote by Councilman Algary.

The City Manager presented the audit of the Sinking Fund Commission for the period ending June 30, 1966.

Mr. Walter Zvoda of 123 Haywood Road appeared before the Council with a complaint that the property at 119 Haywood Road was being used as a vulcanizing plant; that when he signed a petition for the rezoning of the property he thought it would be used for light industry, and not for such a use as this; and requested that this public nuisance be abated, and that the property be zoned back to its original status.

The matter was referred to the City Manager for a full analysis and report to the Council.

Mr. W. G. Hutchison of 185 Bear Creek Road spoke on the use of sound motion pictures in the Police Department in cases of suspect drunken drivers as evidence to get convictions, and offered to buy such a camera for the city if it lacked funds for this equipment.

The City Manager advised that it would be necessary for the Corporation Counsel to make an investigation of the legality of the use of such moving pictures, and that possibly an ordinance could be drawn directing the use of such pictures if their use was legally established.

Councilman Crouch moved that the Corporation Counsel make an investigation on the legality and feasibility of this type of evidence, and report back to the Council, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 29, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 29, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Robert P. Crouch, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read, and Councilman Algary requested that the minutes of the previous meeting be corrected to show that Vice-Mayor Mulvaney voted against the motion to defer action on the resolution requesting the Redevelopment Commission of the City of Asheville to proceed with all necessary and proper steps to undertake a renewal program for the central business district of the City of Asheville for two weeks, and with this correction the minutes were approved.

On the request of Walter Zvoda regarding 119 Haywood Road the City Manager reported that the matter of air pollution had been referred to the Air Pollution Control Board, and this matter had been corrected; but, inasmuch as a zoning request was also contained in the letter, that this should be referred to the Planning and Zoning Commission for study and recommendation.

The Council then referred the request to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that today is the date set for the public hearing on the rezoning of the property from Biltmore Viaduct to the Overpass on McDowell, with the exception of Lee Edwards High School; the property east of Macon Avenue now zoned Institutional, except Grove Park Inn property; Lot 1, Sheet 18, Ward 2; and the property in Lakeview Estates Subdivision in Plat Book 26 at page 46.

There being no objection, Councilman Morgan introduced Ordinance No. 544, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager called attention to the Annual Convention of the North Carolina League of Municipalities to be held in Durham October 20th through 22nd, and requested councilmen to make known their intention to attend.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 6, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 6, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, Robert P. Crouch, T. B. Sumner, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 544, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reminded the Council that today is the date set for further consideration of the proposed resolution requesting the Redevelopment Commission of the City of Asheville to proceed with all necessary and proper steps to undertake a renewal program for the central business district of the City of Asheville.

Councilman Algary then stated that questions have been asked concerning this on which authoritative answers could be secured; and moved that action be deferred on the resolution for the time being, to be introduced again, which motion was seconded by Councilman Crouch and unanimously adopted.

The City Manager reminded the Council that today is the date set for further consideration of Ordinance No. 543, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE", and recommended that the Council give consideration to the following amendment to said Ordinance:

That Ordinance No. 543 be amended by striking out all of Section 2 thereof, and inserting in lieu thereof the following:

2.

Immediately following sub-section (12) of sub-section (E) Heating Standards, of Sec. 8-18. Standards of Fitness, add two new sub-sections to be called (13 and (13-A) as follows:

(13) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working conditions and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees F., when the outside temperature is 15 degrees F.

(13-A) Where heat is not furnished from a central heating plant, each dwelling shall have at least one-half of all habitable rooms provided with fire-proof chimney flues to permit the operation of sufficient heating equipment to maintain temperature of rooms to the requirement stated in Section (13) above.

Councilman Algary moved that amendment recommended by the City Manager be adopted, which motion was seconded by Councilman Morgan.

Councilman Sumner stated that the real estate men realized that people should have decent homes, but that this ordinance was not drawn by local people and he resented Washington telling us how to build our houses. Councilman Sumner also discussed the space requirements of the ordinance and expressed opposition to this. He then offered a substitute motion that the Mayor ask the President of the Real Estate Board to recommend two men familiar with buildings, and that these two men, together with the Building Inspector and Health Officer, be appointed by the Mayor as a committee to draw up an ordinance so houses can be built at a reasonable figure and meet all requirements, which motion was seconded by Councilman McRary.

A vote was then taken on the substitute motion, and the Mayor declared it passed, Councilman Algary casting the dissenting vote.

The City Manager announced that today is the date set for a public hearing on a site plan for the Sandon Drive Apartments, which plan has been approved by the Planning and Zoning Commission; that due notice of this public hearing has been published according to law, and that the property is zoned for such use.

The City Manager advised that the Engineering Department has some concern about the developer's intention

to collect sewage from the apartments in an eight inch connector line and tie this into the city's six inch line in the area, and that it has not been determined whether or not the six inch line which runs from Sandon Drive to Merrimon and south on Merrimon to Larchmont can handle this new load. The City Manager further advised that the city has a formula in which developers pay for pipe, and the city makes the installation. The City Manager recommended that until this point is resolved that the city withhold approval of the site plan, and suggested that this hearing be continued until November 3rd.

Councilman Algary stated he did not feel that the developer should be required to build a new line from Sandon Drive to Merrimon Avenue.

Councilman McRary moved that the hearing be continued until November 3rd, which motion was seconded by Councilman Algary.

Mr. Carl Hyldburg, attorney representing the developer, stated that time was of the essence in this matter, that the developer had met all requirements, and opposed any delay. He further stated that the developer is prepared to share in his part of the cost of servicing this property with water and sewer services.

Mr. Harry DuMont, attorney, presented petitions signed by some 125 property owners of the area who oppose the construction of the apartments, and requested an opportunity to be heard on the matter, stating that the date of November 3rd would give them to prepare their arguments.

Other speakers included Mr. George Stewart, General Edmonds, and Mr. Anderson, and Miss Fannie McCoy.

Councilman Crouch then moved that the hearing be continued until October 20th, which would be a minimum delay for the city to determine its position, which motion was duly seconded and unanimously adopted.

[illegible]

The City Manager advised that a problem had arisen over the sale of land to both the City Board of Education and the First Baptist Church for needed building expansion in the Urban Renewal Area due to the delay in establishing a street pattern and holding a public hearing on the proposed layout and land use, and that the Redevelopment Commission is willing and anxious to appeal to officials of the Urban Renewal Division of the U. S. Department of Housing and Urban Development in Atlanta for speedier land disposal.

Councilman Crouch moved that this appeal be approved by the Council, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman Sumner discussed the proposed Civic Arts Center and the salaries of city employees.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 13, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 13, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A resolution was received from the Citizens Action Committee on Beautification and Clean-Up requesting that the committee be furnished with suitable offices in the City Hall Building with the necessary staff to coordinate volunteer workers in carrying out a city-wide beautification and clean-up program on a continuing basis.

The City Manager stated that the committee sees a great opportunity to gain volunteer services from garden and civic clubs for a year-round cleanup effort, but needs a home base from which to work and a staff to help organize the city on a block basis. The City Manager advised that office space would pose no problem, and that possibly some reorganization could occur in the Sanitation Department, which now has two full-time inspectors, to help the beautification group. The City Manager further advised that it is his opinion that this can be done within the framework of the present budget, and, if the matter is referred to his office, that he will bring back a report as to how it can be worked out, together with the cost.

The Council referred to the request to the City Manager for investigation and report.

Ordinance No. 544, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 544

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned to NEIGHBORHOOD TRADING AREA:

All property which is presently zoned Commercial from the Biltmore Viaduct to the Overpass on McDowell Street, WITH THE EXCEPTION of the Lee Edwards High School and Asheville-Buncombe Tech property which will be rezoned to INSTITUTIONAL DISTRICT.

(b) That the following described property be rezoned to RA-10 RESIDENTIAL DISTRICT:

All property east of Macon Avenue, now zoned institutional District, WITH THE EXCEPTION of the Grove Park property lying east of Macon Avenue.

(c) That the following described property be rezoned from RA-M District to NEIGHBORHOOD TRADING AREA:

Lot 1, Sheet 18, Ward 2

(d) That the following described property be rezoned from RA-8 Residential District to RA-9 RESIDENTIAL DISTRICT:

The Lakeview Estates Subdivision, as shown in Plat Book 26 at page 46.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 29 day of September, 1966.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 13 day of October, 1966, to become effective 28 day of October, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that as directed by the Council a Committee had been appointed by the Mayor to work out the amendment to the Housing Code, said Committee consisting of A. G. Carver, Jr. and Tom McCurry, as recommended by the President of the Real Estate Board; and Ray Steelman, Building Inspector; and Dr. H. W. Stevens, Health Officer; and that an Ordinance had been prepared in compliance with the recommendations of the Committee.

Mayor Eller thanked the members of the committee for their work.

Councilman Sumner then introduced Ordinance No. 545, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE", which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that two vacancies existed on the Board of Directors of the Buncombe County Planning Council, one due to the expiration of the term of Francis J. Heazel and the other to the resignation of Walter A. Deal; that Mr. Heazel had agreed to serve again, and that Douglas Bolton had been recommended to fill the unexpired term of Mr. Deal.

Councilman Morgan then introduced resolution appointing members to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 41.

The City Manager advised that Dr. William Ray Griffin had purchased an additional lot on Grove Street, and desired to add this lot to the off-street parking facility already in operation, that this additional lot would provide space for thirty-three cars, and that a resolution had been prepared authorizing such lease.

Councilman Algary then introduced a resolution authorizing and directing the Mayor to execute an Amendment

to Lease for property on Grove Street for a municipal parking lot, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 42.
Complete copy of lease will be found attached to original resolution.

The City Manager advised that a lease had been negotiated with Grace Cook Holcombe and husband, E. C. Holcombe, for an off-street parking lot on North French Broad Avenue, which lot would provide spaces for thirty-five cars.

Councilman Mulvaney introduced resolution authorizing Mayor to execute lease with Grace Cook Holcombe and husband, E. C. Holcombe, for operating off-street parking facility by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 43.
Complete copy of lease will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period ending September 30, 1966.

Miss McCoy protested against fluoridation and taxes.

Mr. Blanton Wright discussed the traffic situation on Tunnel Road, and requested that the Council go ahead now with the fifth turning lane, because he had been advised by the Highway Commission that probably five years would elapse before the new tunnel and tunnel connector are completed.

Councilman Sumner discussed a curtailment in bus service due to construction of a connector from the interchange of Interstate 26 and 40, which affected Stewart Street and New Jersey Avenue in West Asheville.

The City Manager stated he would contact White Transportation Company to see if bus service could be arranged for school children.

In response to a question by Councilman Algary, the Corporation Counsel stated that he has been advised by the Attorney General's office that they are studying the questions submitted regarding legality of the city's transfer of a bus franchise from Carolina Power and Light Company to White Transportation Company, and expects a ruling by November 1st.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 20, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 20, 1966, at 4:00 o'clock P. M. with Vice Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Walter J. Jewett requesting that Lot 110, Sheet 8, Ward 9 be rezoned to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 545, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Vice-Mayor Mulvaney advised that today is the date set for the continuation of the hearing on the Site Plan for the proposed Sandon Drive Apartments.

Mr. Harry DuMont, attorney, speaking for the opponents of the proposed apartments, stressed the points of the property not being big enough for 42 families, that the tract offers no recreation area, and that traffic generated by the apartments would congest already narrow streets. There were several other speakers in opposition to the proposed apartments.

Mr. Carl Hyldburg, attorney for the developer, and Mr. Joseph Mongovis, the developer, stated that all requirements of the law had been complied with, and that the Site Plan had been approved by the Planning and Zoning Commission.

The City Manager advised that Mr. Mongovis has agreed to pay his share of the costs of sewers to serve the new apartments.

Councilman Sumner discussed the number of apartments on this tract of land, and made a motion that the matter be referred back to the Planning and Zoning Commission for further study and recommendation, with the details concerning density and play areas due to the typography of the land to be gone into thoroughly, which motion was seconded by Councilman Crouch.

The matter was discussed by members of the Council, Councilman McRary stating that it appears the developer has met the requirements and that no zoning change has ever been requested, and Councilman Algary expressed the opinion that if the matter is referred back to the Planning and Zoning Commission that it be heard at its next meeting.

The motion was then put to a vote and unanimously adopted.

In regard to curtailment of bus service on Stewart Street and New Jersey Avenue the City Manager advised that this question had been resolved by White Transportation Company even before he contacted them about it.

The City Manager advised that in connection with the construction of the proposed new bridge over the French Broad River the State Highway Commission had requested the city to enter into an agreement regarding relocation of water and sewer lines and cooperating in any utility changes.

The following resolution was offered by Councilman Morgan and a motion was made by Councilman Morgan that it be adopted; this motion was seconded by Councilman Crouch and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain improvements within the City of Asheville consisting of the construction of a bridge carrying US Highways 19 and 23 over the French Broad River and a pedestrian overpass running over said highway as shown on the plans of Project 8.3023204, Buncombe County; said project having a right of way width of 63 feet measured 50 feet on the right side of the survey center line and 13 feet on the left side of the survey center line as shown on the plans of Project 8.3023204, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

> Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or publicly owned utilities without expense to the State Highway Commission, and will without cost to said Commission, provide for the laying, changing, relaying or repairing of any necessary municipally owned electric lines, water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services extending to the outer edges of said project, whether made necessary by the widening of existing or the construction of new or relocated streets or sidewalks.

NOW, THEREFORE, BE IT RESOLVED, that Project 8.3023204, Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 20th day of October, 1966.

Complete copy of resolution will also be found in Resolution Book #5 at page 44.
Copy of Agreement will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 45.
Copy of Agreement will be found attached to original resolution.

A complaint was received from Mrs. Rogers regarding visitations and questions in the East Riverside Urban Renewal Project.

The City Manager advised he would look into this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 27, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 27, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of property owners on Shorewood Drive, requesting that all zoning ordinance restrictions be met in conjunction with future development of land adjacent to the Northland Shopping Center on Merrimon Avenue, was received.

The Council directed that the petition be referred to the Planning and Zoning Commission and Public Safety Department, so that they may be alert to the situation when a building permit is applied for on this land.

Ordinance No. 545, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 545

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1.

That sub-section (2) of sub-section (a) Space and Use Standards, of Sec. 8-18. Standards of fitness, is hereby repealed, and in lieu thereof the following is adopted:

(2) A first bedroom, if any, of not less than 110 square feet. Additional bedrooms will have a minimum of 70 square feet of space.

2.

That sub-section (5) of sub-section (a) Space and Use Standards, of Sec. 8-18 . Standards of fitness, is hereby repealed.

3.

Immediately following sub-section (12) of sub-section (E) Heating Standards, of Sec. 8-18. Standards of fitness, add two new sub-sections to be called (13) and(13-A) as follows:

(13) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working conditions and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees F., when the outside temperature is 15 degrees F.

(13-A) Where heat is not furnished from a central heating plant, each dwelling shall have at least two (2) fire-proof chimney flues to permit the operation of sufficient heating equipment to maintain temperature of rooms to the requirement stated in sub-section (13) above.

4.

That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

5.

That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 13 day of October, 1966.

T. B. Sumner
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 27 day of October, 1966, to become effective 11 day of November, 1966.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager presented a report relative to an incident reported in last Saturday's paper of a

[illegible] the Water Department Shop and Locker Room, which is used by city foremen, by the Sheriff's Department and the [illegible] city given the so-called "gambling incident."

The City Manager expressed the opinion that this is a petty political manoeuver, to which he does not attach any importance; and that the men have apologized.

Councilman Sumner stated in his opinion probably 80% of the people in the city gamble to a certain extent, either at cards or business transactions, and that a political issue was being made of a minor matter, which should be left to the City Manager to handle as he sees fit.

Miss McCoy appeared before the Council to protest "Metropolitan Government" and high taxes.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 3, 1966 - 4:00 o'clock P. M.

The City Council of the City of Asheville met in Regular session in the City of Asheville at 4:00 o'clock P. M., on November 3, 1966.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary

Absent: Robert P. Crouch
Also present: City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Mr. John F. Shuford, attorney for M. B. Haynes Electric Corporation, presented a request for the rezoning of Lot 7½, Sheet 19, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission advising that there was an error on the map of the recent McDowell Street rezoning, and recommending that Lot 3-3/4, Sheet 13, Ward 4 be rezoned from Business District to Neighborhood Trading Area.

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the staff called to our attention the fact that there was an error on the map in our recent McDowell Street rezoning.

To correct this, the Commission moved unanimously to recommend to City Council that Lot 3-3/4, Sheet 13, Ward 4, be rezoned from Business District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 34, 35, and 35-1/4, Sheet 7, Ward 9 from RA-6 Residential District to Neighborhood Trading Area.

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mrs. Mamie C. Presley and Mr. George K. Stewart:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 34, 35, and 35-1/4, Sheet 7, Ward 9, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond, Secretary

AR:nr

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the property of Mr and Mrs. Jesse Wiggins remain as it is now zoned.

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. Jesse Wiggins:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

Mrs. Wiggins was present at the Council meeting, and advised that there might be some misunderstanding about the ownership of this property, and the City Manager suggested that she request her attorney present the matter again and clear up this question.

A letter was received from the Planning and Zoning Commission recommending that the property of R. L. Bailey remain as now zoned.

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. R. L. Bailey:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

Mr. Bailey was present at the meeting, advising that this is the fourth time the request has been presented, and he feels he needs a more gradual transition of zoning from nearby property zoned industrial and his property zoned PA - Residential. He further stated he plans to use only a part of the property as a trailer park.

Councilman Sumner and the City Manager suggested to Mr. Bailey that he re-submit his request along with a land development plan.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lot 110, Sheet 5, Ward 9, as requested by Walter J. Jewett.

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Walter J. Jewett:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that no action be taken on the request of Walter Zvoda since rezoning cannot accomplish the removal of the existing business at 123 Haywood Road

November 2, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Rev. Walter Zvoda:

It was moved, seconded, and unanimously passed that the Commission recommend that no action be taken on this request since rezoning cannot accomplish the removal of the existing business.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

mr

The above were received as information by the Council.

A petition was filed by H. Kenneth Lee on behalf of Atkins-Harper Lumber Company, Inc., requesting the Council to review a ruling by the Board of Adjustment and Building Inspector regarding certain property at 332 Haywood Rd.

A hearing was set on this matter for November 10th

The City Manager recalled that an agreement was entered into on November 12, 1964 between the City and the Housing Authority for the construction of 500 low-rent housing units, and advised that the Housing Authority is requesting that said agreement be amended to permit the construction of 100 additional units.

Councilman Sumner questioned the advisability of constructing high-rise apartments for elderly people because of their reluctance to live in this type of buildings.

Councilman Mulvaney introduced the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF
AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality") desire to enter into an amendment to its Cooperation Agreement in connection with the development of low-rent housing units pursuant to the United States Housing Act of 1937, as amended.

NOW, THEREFORE BE IT RESOLVED BY the City Council that the Local Authority and the Municipality enter into the Amendment to its Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Amendment being in substantially the following form:

AMENDMENT NO. 1
TO
COOPERATION AGREEMENT

This amendatory Agreement entered into this _____ day of _____, 19_____, by and between the Housing Authority of the City of Asheville (herein called "Local Authority) and the City of Asheville, North Carolina (herein called "Municipality"), witnesseth:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated November 12, 1964 and amended None providing for aid and cooperation in respect to low-rent housing Projects developed and to be developed and operated by the Local Authority with the financial assistance of the United States of America, Housing Assistance Administration (herein called "HAA"), (formerly called "Public Housing Administration", "PHA"); and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to cover additional low-rent housing units;

NOW, THEREFORE, the Local Authority and the Municipality do agree that the number of units set forth in Section 2 of the aforesaid Cooperation Agreement be increased by 100 and that the figure "500" be changed to read "600".

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(SEAL)
ATTEST:

_____
City Clerk

CITY OF ASHEVILLE, NORTH CAROLINA
(Corporate Name of Municipality)

By_____
Mayor

(SEAL)

ATTEST:

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
(Corporate Name of Local Authority)

By_____
Chairman

_____
Secretary

Councilman Mulvaney moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Morgan and upon roll call the "Ayes" and "Nays" were as follows:

AYES	NAYS
Councilmen McRary, Mulvaney, Algary, Sumner, Morgan	None

The Mayor thereupon declared said motion carried and said resolution adopted.

Complete copy of resolution will also be found in Resolution Book #5 at page 46.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending September 30, 1966.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 10, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 10, 1966, at 4:00 o'clock P. M. with Mayor E. W. Edney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Robert P. Crouch, City Manager Walden Wells, and Corporation Counsel O. F. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition, signed by 31 citizens, requesting the closing of the east portion of Worley Place was received.

The City Manager advised that it will be necessary to hold a public hearing on this matter after due advertisement, and Councilman Crouch moved that the City Clerk be authorized to prepare such advertisement fixing a date for a public hearing, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending rejection of the site plan of Sandon Drive Apartments, as submitted.

November 9, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

In accordance with the request of City Council of October 21, 1966, the Planning and Zoning Commission of the City of Asheville met in a special meeting today to give further study to the site plan of Sandon Drive Apartments.

After visiting the site itself and giving careful attention to density, play area, topography of the land, and other considerations, we have determined that the plan meets requirements regarding areas, setbacks, and drainage; however, we are of the opinion that, despite the fact that the Zoning Ordinance as now written does not lay down specific guidelines therefor, the plan as currently submitted generally fails to meet the requirements of Subsection 4 of Paragraph C of Section 9 of the Zoning Ordinance and particularly Subparagraphs a., b., c., and e.

In view of the foregoing, we, therefore, recommend rejection of the plan as submitted.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond
Secretary

Councilman Sumner moved that the recommendation of the Planning and Zoning Commission be accepted, which motion was seconded by Councilman Crouch.

Mr. Carl A. Hyldburg, Jr., attorney for Moneyworth, Inc., again stated that the developer had met all requirements of the Zoning Ordinance, and requested that the Council take no further action until this matter be given further study, and suggested a delay of two weeks.

Councilman Sumner stated that new plans could be submitted at any time, and Councilman Algary discussed the matter of delaying action.

The City Manager advised that if a material change is made in the site plans, that the procedure would be the same.

Following the discussion, the motion was unanimously adopted.

Mr. John E. Shackleford, attorney for some 120 property owners, presented a petition requesting that an area fronting on Sandon Drive Extension, Hy-Vu Drive and Horizon Hill Road be rezoned from RA-6 Residential District to RA-10 or RA-9 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Request was made that the hearing on the Atkins-Harper Lumber Company appeal from the ruling of the Board of Adjustment be continued because of illness of the attorney for the company, which request was granted by the Council, upon motion of Councilman Crouch, seconded by Councilman Algary, and unanimously adopted.

Petitions, signed by some 200 residents, requesting a traffic signal or other protective device be installed on Merrimon Avenue at or near the intersection of Wembley Road, were presented by Charles C. Roth and I. Alfred Miller.

The City Manager advised that Merrimon Avenue is part of the state highway system, and the city does not have the authority to erect a traffic control device unless same is approved by the State Highway Commission, and stated the request would be referred to state highway officials.

The attorney for Mrs. Connie Wiggins presented a copy of a petition pertaining to certain property with which she had requested a zoning change. This was referred to the Planning and Zoning Commission for study of the matter.

Councilman Crouch introduced a resolution appointing Director of Vanderbilt Apartments, Inc., which was upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 47.

Councilman Mulvaney introduced a resolution appointing members, and appointing trustees of properties under Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 48.

Councilman Morgan introduced a resolution appointing members to Citizens Action Committee on Beautification and Clean-Up, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 49.

Councilman Sumner introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 50.

The City Manager presented the statement showing the budget position of the city for the period ending October 31, 1966.

Councilman Algary discussed the September fire at the Recreation Park, which destroyed the Skating Rink building and other small buildings, inquiring about the insurance and plans for rebuilding, and the concessions at the Park.

The City Manager advised that a survey is under way to fix a replacement value for the buildings destroyed by fire, and as soon as this survey is completed the insurance company will repay the city for its property loss based on the depreciated value of the buildings. At this time the question of rebuilding the structures will come back before the Council.

The City Manager further advised that the city has no investment whatever in the amusement equipment at Recreation Park, it having been the policy for some thirty years that the city would lease these amusements to private concessionaires, and that the city receives 25% of the gross sales of the concessions.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, November 17, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 17, 1966, at 4:00 o'clock P. M. with Mayor [illegible] presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from W. L. Maynard requesting the rezoning of Lots 61 and 62, Ward 9, Sheet 9.

This [illegible] referred to the Planning and Zoning Commission for study and recommendation.

The Corporation Counsel stated that he had secured an opinion from the Attorney General in regard to the franchise of the White Transportation Company, as instructed by the Council; and that the report in substance was to the effect that under the City Charter no franchise shall be granted for a longer time than thirty-five years, and, since there has not been an election relative to the granting of franchise for public transportation within that time, the city should, before granting any franchise, have such a vote.

Councilman Mulvaney discussed the matter, and made a motion that the City Manager be instructed to [illegible] the Committee [illegible] Federal funds to make a detailed study of the public transportation problem in the City of Asheville, and employ qualified consultants to make such a study and the cost of same, which motion was seconded by Councilman Sumner.

The City Manager pointed out that if such funds are secured, it would be under a contractural arrangement with the Federal Government for private consultants to make such a feasibility study with Federal funds, and that the matter would have to come back to the City Council.

Following the discussion, the motion was unanimously adopted.

Counsel

The Council / also read a letter received from the Attorney General regarding the use of [illegible] in which it is stated that such a matter is the responsibility of the [illegible] and that this picture cannot be taken [illegible] but that [illegible] should be avoided [illegible] the use of the [illegible]

[illegible] the Council instructed the Corporation Counsel to follow through with efforts to [illegible]

Councilman Sumner suggested the [illegible] in the Council Chamber, and the City Manager advised he would look into the possibility of getting such a sound equipment.

[illegible] the letter from the Board of Adjustment and Appeals of Ardmore Homes, Incorporated, relative to the use of their property on Pennsylvania Avenue and other interested citizens would also like to be heard, and it was noted that this matter be placed on the agenda for December 1st.

The [illegible] for Ardmore Homes, Inc. were present and agreed to this date.

During the discussion, Councilman Algary discussed an issue raised in the recent campaign [illegible] the Sheriff's Department, stating in his opinion such personnel should be [illegible] and further in order to secure continuity of trained personnel there [illegible] coming, except the Sheriff himself, and that this would be in the best interests of [illegible] Government and the taxpayers.

The City Manager stated that with the assistance of the FBI, SBI and other agencies such schools have been conducted for officers of the Police Department; that the city now has two FBI candidates and four trained [illegible] the officers, and that such trained officers also act as instructors for other members of the department.

Councilman McRary discussed the matter of abandoned automobiles, and suggested requesting the Legislature to enact a law requiring some form of license tag for such cars to discourage their being parked on the city streets.

The City Manager advised that the City Beautification Committee is working on such problems, that they have asked for assistance in continuing their program, and that he will have a report in the next two weeks.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 24, 1966 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

CITY CLERK

Thursday, December 1, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 1, 1966, at 4:00 o'clock P. M. with Mayor [illegible] presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, [illegible] Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was read concerning Christmas decorations on Kimberly Avenue, and Councilman Sumner commented that sometimes members of a community will take action to beautify their neighborhoods.

An offer was received from Asheville Contracting Company to purchase Lots 80 and 81, Ward 6, Sheet 5, for the sum of $1,000.00.

The City Manager advised that the property will have to be sold at public sale, but it is first necessary to secure a legal description.

The matter was referred to the City Manager to take the necessary steps to offer the property for sale.

The City Manager advised that following receipt of a petition requesting the closing of a portion of Worley Place a legal description of the portion had been secured and a resolution setting date of public hearing prepared.

Councilman Mulvaney then introduced a resolution providing for public hearing on petition to close a portion of Worley Place, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 51.

The City Manager advised that today is the date set for a public hearing on the proposed rezoning of Lot 3-3/4, Sheet 13, Ward 4, and Lots 34, 35, and 35-1/4, Sheet 7, Ward 9.

There being no objection, Councilman Crouch introduced Ordinance #546, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A petition, sponsored by the Kenilworth Garden Club and signed by 123 persons, requesting that the small building in the center of Caledonia Road at its intersection with Biltmore Avenue be removed, was presented. The spokesman for the group advised that the owner of the property is Robert Tucker, and that its 1966 tax valuation is $855.00.

The City Manager advised that the removal of this building would require acquiring the property, and that he would attempt to negotiate with the owner, and that if a settlement could not be reached, that the city could proceed under condemnation.

Councilman Sumner moved that the City Manager be empowered to negotiate with the owner of the property to see if the property could be acquired, which motion was seconded by Councilman McRary and unanimously adopted.

Mrs. W. E. Guilka of 82 Merrimon Avenue appeared before the Council with a complaint that a sewer had been causing water to back up in her back yard.

The City Manager advised that he would look into this matter.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, December 8, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 8, 1966, at 4:00 o'clock P. M. with Mayor

E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, Dr. Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission reaffirming its previous recommendation that the request of Mr. and Mrs. Jesse Wiggins be denied.

December 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. Jesse Wiggins:

It was moved, seconded, and unanimously passed that the Commission reaffirm its previous recommendation that the request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending that the petition requesting the rezoning of Horizon Hill, Colonial Place, etc. be denied and the property remain as now zoned.

December 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition of residents of Horizon Hill, Colonial Place, etc.:

It was moved, seconded, and unanimously passed that the Commission recommend that the Petition be denied and the property remain as it is now Zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

These communications were received as information by the Council.

The City Manager advised several Petitioners present at the meeting that this action does not preclude the submission of another zoning request.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 4-1/2, Sheet 19, Ward 6 from RA-6 Residential District to Commercial District on the request of M. B. Haynes Electric Corporation.

December 7, 1966

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of M. B. Haynes Electric Corporation:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 4-1/2, Sheet 19, Ward 6, be rezoned from RA-6 Residential District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Councilman Crouch moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 546, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that following several conferences with the underwriters and engineers representing underwriters in regard to the fire at Recreation Park, the total adjusted cost of replacing the building was set at $82,881.25, and that the underwriters, after allowing twenty-two years of depreciation, propose a settlement of $42,147.42. The City Manager stated that the city departments feel this is a fair and just settlement, and will proceed accordingly unless there is objection by the Council.

The City Manager further advised there is some question whether Presley Enterprises will replace the existing rink, since this did not turn out to be a paying proposition, but that he will have further information on this at a later date.

The City Manager advised that a resolution had been prepared regarding water rates at Gerber Products, which is known as a processor of agricultural products, which sets the rate at 4-1/2c per thousand gallons of water in excess of three million gallons per month, as required under the terms of the Water Rate Ordinance.

Councilman Morgan introduced resolution correcting resolution of August 11, 1966 relating to use of water in excess of three million gallons per month and establishing rate therefor as it relates to Gerber Products Company, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 52.

The City Manager presented the statement showing the budget position of the city for the period ending November 30, 1966.

The City Manager brought up the matter of the proposed mass transportation study, land use plan, and revision of the thoroughfare plan, and asked for suggestions by the City Council on method of procedure.

Councilman Sumner stated it was his opinion that manufacturers of buses could make a study of the transportation system, which would eliminate the necessity of applying for Federal funds, and further that he did not see the need for a land use study.

Councilman Algary stated that both of such studies are necessary, and that money which has been paid in to the Federal Government can be returned to communites for such studies; and that if the City should have to take over the bus system, the Federal Government will help with this after the transportation studies and land use studies indicate the bus service needed.

The City Manager pointed out that the thoroughfare plan must be updated, and that the State Highway Commission and the city would share in this cost, and that the land use plan will be prepared by the planning staff. The City Manager advised that the Federal Government will provide two-thirds of the cost of the transportation study and the city will pay one-third.

Following the discussion, Councilman Algary moved that the City Manager be instructed to prepare an application for Federal funds for such transportation study, which motion was seconded by Councilman Morgan.

The City Manager stated he would direct communications to private operators of mass transportation in various cities throughout the southeast to determine if they have any interest in furnishing a report on our problems.

A vote was then taken on the motion, and it was adopted with Councilman Sumner voting no.

[illegible]

Councilman Algary stated that since the Highway Commission has approved the new bridge across the French Broad River, he thinks something should be done about the new tunnel, studies having been made and hearings held, and that in spite of the cut in Federal funds he thinks there is still sufficient money available for this purpose. He further stated he was of the opinion the Council should go to Raleigh and talk to Mr. Hunt and Governor and see what can be done to expedite this matter.

The City Manager suggested that Mr. J. G. Stikeleather, Highway Commissioner for this District, be invited to meet with the Council and bring us up to date on the proposed tunnel, and that he would arrange such a conference for next Thursday.

[illegible] FLIGHT

Councilman McRary brought up the matter of Piedmont Airlines having cut off the daily return flight from Raleigh, and asked if any pressure could be brought to get this flight restored.

The City Manager advised that the Chamber of Commerce Aviation Committee is working on this matter, and

that he will secure a report on the progress being made.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 15, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 15, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 546, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 546

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following property be rezoned from Business District to NEIGHBORHOOD TRADING AREA:

A portion of Lot 3-3/4, Sheet 13, Ward 4

(b) That the following property be rezoned from RA-6 Residential District to NEIGHBORHOOD TRADING AREA:

Lots 34, 35, and 35-1/4, Sheet 7, Ward 9

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 1 day of December, 1966.

Robert P. Crouch
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 15 day of December, 1966, to become effective 30 day of December, 1966.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager distributed to members of the City Council the Long Range Planning Report prepared for the Buncombe County Planning Council by the Department of Hospital Administration, School of Medicine, University of North Carolina.

The City Manager reported that he had received a letter from Mr. Robert Presley in which Mr. Presley

advised that he will continue to operate the ferris wheel, merry-go-round, airplane ride and boat rides at the Recreation Park, but that past financial losses on the ice skating rink have made him uninterested in continuing to operate the rink.

The City Manager advised that funds have not yet been received from the insurance company for the city's fire loss, and as soon as these are received the matter will be brought back before the Council as to how funds are to be used.

The City Manager advised that The Greater Asheville Council, Inc. had presented its report and recommendations on the proposed Community Facilities program, and that the Board of Directors of the Asheville Chamber of Commerce had endorsed the recommendations, each of said groups recommending that the East Riverside Urban Renewal Project be separated from the other programs and referred to a vote as early as possible with the hope of securing matching funds from the Federal government. The report advised that the Civic Arts Center, Library and Convention Center require further study and revision.

The City Manager suggested that the Council authorize the necessary administrative action to be taken to present the proposal to the Local Government Commission, and that following the due process of law the matter would come back before the Council to fix the date of the election, of which forty-five days notice must be given.

Councilman Crouch moved that the City Manager be directed to take the necessary steps as suggested, which motion was seconded by Councilman Mulvaney.

Councilman Sumner inquired as to the cost of holding such an election, and the City Manager advised it would be approximately $5,000.00. Councilman Sumner expressed the opinion that neither the full membership of the Greater Asheville Council nor the Chamber of Commerce had an opportunity to vote on the recommendations, and further that he is opposed to Urban Renewal.

Councilman Algary asked why the city couldn't schedule a vote on the whole package, since actually selling the bonds could be deferred until the necessary planning is completed.

Councilman Morgan commented that he didn't think the community was ready to vote on the entire package yet.

Following the discussion, a vote was taken on the motion, and it was adopted. Councilman Sumner abstained from voting.

Councilman Sumner discussed the matter of sales of property in Urban Renewal Areas, and the City Manager advised that sales may be made to non-profit corporations and governmental units at private sales based on appraisal values, but that other sales must be public.

Councilman Crouch asked whether the time had come to talk about hiring a consultant, as suggested by the Chamber of Commerce, and the City Manager stated that after further studies are made by the Library Board, the Civic Arts Council, and Convention Committee that further plans will be submitted, which will come back before the Council; and, if a request is made for a consultant, that the city should try to do this, as well as look into the potential of private funds.

Councilman Sumner stated the matter of increasing salaries of city employees should be taken into consideration.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 22, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 22, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request was received from A. M. Smith that Lot 120, Sheet 16, Ward 2 be rezoned to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Robertson Wall, on behalf of the Trustees of Aston Park Hospital to renew their offer of payment of $100,000 to the City for Rhododendron Park, and stating that the long range planning report has been submitted by the Department of Hospital Administration School of Medicine University of North Carolina recommending the use of Rhododendron Park area for hospital purposes.

Mayor Eller stated that a meeting is to be held in January to discuss hospital problems in the area, and he thought it would be best to withhold any action on the request until after that time.

Councilman Sumner stated that Aston Park Hospital authorities had been led to believe that if the hospital report was favorable, the Council would consider their offer; that they have made a fair offer; and the Council should proceed to advertise the property for sale.

The City Manager advised that the report presented to the Council at its last meeting was made to the Buncombe County Planning Council, and that said Council has arranged a meeting of interested citizens and hospital authorities to be held in Asheville on January 9th, at which time Mr. William F. Henderson, Executive Director of the

North Carolina Medical Care Commission, will participate in the discussion. Further, that if the offer is to be considered, the Council should direct that a resolution be prepared fixing a date of sale and describing the property by metes and bounds, which sale must be advertised for four successive weeks.

Mayor Eller stated he was not opposed to the sale, but thought the Council should secure all available information.

Councilman Algary said the Planning Council had put in much study on the hospital report, and should have an opportunity to evaluate the long-range hospital needs study. Also, that the Aston Park project will be a five million dollar venture, of which half might come from federal and state sources, with the remaining half to be raised locally, and that other proposed expansions recommended by the study for St. Joseph's and Memorial Mission would place a further demand on the local community for funds.

Councilman Sumner then moved that the necessary resolution be prepared setting a date for the sale of the property, which motion was seconded by Councilman McRary.

A vote was taken on the motion with Councilmen Sumner and McRary voting in favor, and Councilmen Morgan, Mulvaney, Algary and Mayor Eller voting against.

Councilman Sumner asked about membership of the Buncombe County Planning Council, and was advised by the City Manager that members are appointed by the City Council, Board of County Commissioners, and the United Fund, and other social and welfare agencies, private and public.

In regard to the recent petition requesting a traffic light at the intersection of Merrimon Avenue and Wembley Road, the City Manager advised that a report had been received from the State Highway Commission indicating that there are only 470 vehicles per day entering this intersection, which is well below the volume required to warrant a traffic signal, and that a ground investigation does not indicate any special need for signilization at the present time.

Councilman Mulvaney introduced a resolution expressing thanks to the North Carolina Highway Commission, and Commissioner James G. Stikeleather for their program, past and future, in and around Asheville, which was upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 53.

The City Clerk was directed to forward a copy of the resolution to Joseph M. Hunt, Chairman of the State Highway Commission, and to James G. Stikeleather, Jr., Commissioner.

Dr. Embree H. Blackard, Superintendent of the Asheville Methodist District and former pastor of Central Methodist Church, discussed the recent publicity concerning the retirement of City Manager Weldon Weir on September 1, 1968, citing the many improvements made in the city during Mr. Weir's term of office, and praising him as a man of honor, integrity and ability. Dr. Blackard expressed the hope that Mr. Weir could be persuaded to remain in office.

Mayor Eller thanked Dr. Blackard, and assured him that members of the Council were 100% in agreement with his expressions.

Mr. Weir also thanked Dr. Blackard, and stated that the so-called announcement was premature and not intended, but that he had discussed the matter with the Mayor and close friends, and, inasmuch as the matter had been developed through the news media, he hoped that the Council would begin to think in terms of making some decision so that the transition of office could be made in a smooth and orderly manner on September 1, 1968. Mr. Weir thanked the Council for their confidence in him, and stated that the job of city government would have been impossible without the loyal, dependable, and dedicated city employees.

Councilman Algary discussed a report showing a comparison of tax rates in nine metropolitan areas in North Carolina, stating that the taxes were higher than those of Asheville in all of these areas except two, and that these two are the center of much state and federal activity. Councilman Algary further stated that the revaluation of property is done under state law throughout North Carolina every eight years.

Councilman Sumner stated that Asheville's tax rate is not a true picture because in addition the city prices its water rates to bring in money to the General Fund.

The City Manager stated that in 1937 the Board of Tax Supervision was created, and that the duties of the Board are carried out by a neutral agency removed from the city and county governments.

Councilman Algary stated that public utilities pay property and franchise taxes, but that since the water system is operated by the city the money paid to the city from the Water Department is paid in lieu of these taxes.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 29, 1966 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 29, 1966, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of Lot 4-1/2, Sheet 19, Ward 6, as requested by M. B. Haynes Electric Corporation.

There being no objection, Councilman Mulvaney introduced Ordinance No. 547, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that after negotiations with American Cab Company, Inc. relating to limousine service at Asheville Airport; Charlotte Car & Truck Rental Co., Inc., doing business as Avis Rentacar and Brown Auto Sales, Inc., trading as National Car Rentals, relating to rental car service at Asheville Airport; and Alice S. Duckett relating to gift shop operation at Asheville Airport, agreements had been worked out with the above.

Councilman Morgan introduced resolution authorizing and directing Mayor and City Clerk to execute agreement with American Cab Company, Inc. relating to limousine service at Asheville Airport; with Charlotte Car & Truck Rental Co., Inc., doing business as Avis Rentacar, and Brown Auto Sales, Inc., trading as National Car Rentals, relating to rental car service at Asheville Airport; and with Alice S. Duckett relating to gift shop operation at Asheville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 54.
Copies of Agreements will be found attached to original resolution.

The City Manager advised that petitions have been received for the paving of North Bear Creek Road (beginning at the bridge north of Rash Road to Old County Home Road), Shadowlawn Drive, Broadview Drive, Lowe Avenue, Miller Road, Blalock Street, Azalea Street, Debra Lane, and sidewalk on the east side of Hamilton Street, and, in order to establish a lien on all abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Algary introduced resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving of North Bear Creek Road (beginning at the bridge north of Rash Road to Old County Home Road), Shadowlawn Drive, Broadview Drive, Lowe Avenue, Miller Road, Blalock Street, Azalea Street, Debra Lane, and sidewalk on the east side of Hamilton Street, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 55.

Councilman Sumner brought up the matter of the bridge across the railroad tracks at Sayles Village, and the City Manager advised that this bridge had been completed and was in use, and that the matter of paying for same would be brought back before the Council.

Councilman Morgan introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 56.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 5, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 5, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from W. L. Maynard requesting that Mary Street and Bettie Street located in the Francis Garden area be closed.

The City Manager advised that it would be necessary to secure a description of the streets involved, and hold a public hearing after due advertisement.

The Council referred the request to the City Manager for preparation of necessary resolution.

A letter was received from the Planning and Zoning Commission reaffirming its rejection of the site plan of Sandon Drive Apartments (now referred to as Horizon Hill Apartments).

January 4, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission reviewed the redesigned site plan of Sandon Drive Apartments (now referred to as Horizon Hill Apartments) which were prepared by Ridgley K. Robinson, Landscape Architect, for Mr. Joseph Mongovis, the developer.

After study and discussion, it was moved, seconded, and unanimously passed that the Commission reaffirm its motion of November 9, 1966, particularly Subparagraph e. For your convenience the motion is set out below:

"The plan meets minimum requirements regarding areas, setback, and drainage; however, we are of the opinion that, despite the fact that the Zoning Ordinance as now written does not lay down specific guidelines therefor, the plan as currently submitted generally fails to meet the requirements of Subsection 4 of Paragraph C of Section 9 of the Zoning Ordinance and particularly Subparagraphs a., b., c., and e.

In view of the foregoing, we, therefore, recommend rejection of the plan as submitted."

Sincerely yours,

S/ Richard M. Yearwood
Richard M. Yearwood
Executive Director

RMY:nr

Councilman Algary stated that when the original plan was turned down it was generally understood that a revised plan for a lesser number of apartments would be considered, and it seems the developer has submitted a revised plan. Further, since the Planning and Zoning Commission feels that the property is properly zoned, he thinks in all fairness an effort should be made to work out the problem and the planning staff decide exactly what can be put on this particular land.

Mayor Eller stated he assumed all this had been discussed at the hearing before the Planning and Zoning Commission, and he did not think anything further was required of the Council.

The recommendation of the Planning and Zoning Commission was accepted as information.

A letter was received from the Planning and Zoning Commission recommending that Lots 133, 134, 135 and 137, Sheet 20, Ward 8, owned by R. L. Bailey, remain as now zoned.

January 4, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. R. L. Bailey:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

R:nr

Councilman Sumner stated he did not think Bailey's property should have been zoned residential since it is situated in a warehouse district, and suggested that Bailey might provide screening for the proposed trailer park.

Mr. Bailey was present at the meeting and stated he had made every effort to work out something reasonable and had provided a buffer zone, but that he would be willing to increase this and use only part of the property for trailers.

The City Manager suggested that an amendment to the zoning ordinance reducing the minimum area for a trailer park from six to three acres might allow Bailey to have his trailer park and provide screening.

The recommendation was accepted as information, and the City Manager requested to consult with Mr. Bailey to see if something could be worked out.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 61, 62, 63, 64, and 65, Sheet 20, Ward 8 from Residential District to Roadside Business, as requested by W. L. Maynard.

January 4, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. W. L. Maynard:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 61, 62, 63, 64, and 65, Sheet 20, Ward 8, be rezoned from Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 120, Sheet 16, Ward 2 from RA-M District to Neighborhood Trading Area, as requested by A. M. Smith.

January 4, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. A. M. Smith, Appalachian Realty, Inc.:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 120, Sheet 16, Ward 2, be rezoned from the RA-M District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

Councilman Morgan moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from Dr. Wayne S. Montgomery, Chairman of the Buncombe County Republican Party, recommending for appointment as the Republican member of the City Board of Elections Mr. Alan H. Shaw of 70 Cherokee Road, and stating "In the past, the recommendation of the Republican County Chairman has not been solicited but the appointment of the Republican member made without his recommendation. I hope this will not be the case during my administration and that full consideration will be given to my recommendation of Mr. Shaw."

Mayor Eller stated that Dr. Montgomery's charge was wholly untrue, recalling that in December, 1960 the Council received a letter from Jack A. Crawford, the then Chairman of the Buncombe County Republican Executive Committee, submitting three names and requesting that the Republican member to the City Board of Elections be selected from this list, and that in January, 1961 the Council, in deference to the request of the Republican Executive Committee of Buncombe County, it being the first time such a request had been made, appointed Mr. Irwin Monk to the City Board of Elections, he being one of the persons recommended by the said Committee.

During the discussion it was pointed out that Mr. Shaw is the plaintiff who instituted suit against the city involving cable television.

ORDINANCE NO. 547 - AN

Ordinance No. 547, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the proposed closing of an unopened eastern portion of Worley Place, that said hearing has been advertised as required by law, and property owners notified.

Mr. William Black, together with a number of petitioners requesting this closing, appeared before the Council in favor of the closing. There was no objection.

Following the hearing, Councilman Sumner introduced resolution authorizing abandonment and closing and disclaiming any public interest in an unopened eastern portion of Worley Place, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 57.

The City Manager advised that the term of office of Henry L. Baker as a member to the Metropolitan Sewerage District Board expires on January 19th.

Councilman Morgan then introduced resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 58.

The City Manager advised that under the City Charter the Council is required every two years in January to appoint a Municipal Board of Elections, the present members of the board being C. Edison Hill, Eugene Coston and Irwin Monk, and that under the recommendation of Dr. Montgomery the name of Irwin Monk had been dropped and Alan H. Shaw added.

Councilman Mulvaney then introduced a resolution appointing a Municipal Board of Elections for a period of two years, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted

Complete copy of resolution will be found in Resolution Book #5 at page 59.

Mr. Frank M. Parker, attorney for Lakeview Properties, Incorporated, appeared before the Council to request that the portion of Inglewood Road which lies immediately north of the #6 green of the Beaver Lake Golf Course and north of lot 292, Sheet 23, Ward 9 of the City tax maps, be relocated by moving this portion of the road approximately 100 feet to the south. Mr. Parker advised that his client was the owner of all the land on both sides of the road where it is proposed that the road be moved, and the reason for the relocation was the erection of a club house, customary club house facilities, and an Inn for accommodation of guests, on a long range plan.

The City Manager advised that the procedure would be preparation of a description of the road to be abandoned, and drawing of a resolution setting the date for a public hearing after due advertisement.

Mr Parker further stated that in order to accomplish the relocation his client would convey to the City the lands required for the relocated road in exchange for conveyance to it of the land on which this portion of the road is now located.

Following the discussion, the City Manager was instructed to secure the necessary description and have resolution setting date of public hearing prepared.

Councilman Sumner discussed explosions caused by gas lines, and suggested that the Council pass an ordinance requiring gas companies to furnish the city with a map showing location of gas lines, said map to be kept up to date, and that an inspection be made of lines.

The City Manager stated that gas companies operate under the State Utilities Commission, but that he will see what information he can secure on this matter.

Councilman Sumner brought up the matter of building inspections, particularly in the proposed East Riverside Urban Renewal Area, and the number of employees engaged in this work.

The Director of Public Safety advised that once inspections are made, legal requirements have to be met in getting non-complying units demolished, which latter step takes more time than the building inspections, but that he will provide the figures on the number of building inspections made.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 12, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 12, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Dr. Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of residents in the Dogwood Grove area, was received. This petition called attention to the keeping of cattle and horses in a pasture adjacent to Dogwood Grove entrance to New Haw Creek Road, saying this is a health and sanitation problem and contrary to the zoning code.

The City Manager advised that a report will be made as to the zoning, and that the health violations will be referred to the Health Department.

A letter was received from J. Alfred Miller, Chairman of the Redevelopment Commission of the City of Asheville, urging an early vote on a proposed bond issue on the East Riverside Urban Renewal Area.

The City Manager advised that a statement would be made later in the meeting concerning this

Ordinance No. 547, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE No. 547

ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following property be rezoned from RA-6 Residential District to COMMERCIAL DISTRICT:

Lot 4-1/2, Sheet 19, Ward 6

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 29 day of December, 1966.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 12 day of January, 1967, to become effective 27 day of January, 1967.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

In regard to inspections in the East Riverside Urban Renewal Area the Director of Public Safety reported that in the last eighteen months fifty-four units have been brought up to standard, and ten buildings demolished.

The City Manager reported that he has had several conferences in regard to natural gas distribution in the City, and will have a full report within the next week.

Councilman Sumner stated he is advised that most gas installations have no outside cutoff, and, if an ordinance is drawn, he thought an outside cutoff should be included in the regulations.

The Director of Public Safety advised that when the annual inspections were made by the insurance underwriters they stated that they considered Asheville to have the best rules and regulations pertaining to installations of any city in North Carolina

The City Manager recalled that the contracts of carriers at the Asheville Airport were extended a year ago, at which time it was agreed the contracts would be reviewed at this time with a view of increasing the revenue to the City of Asheville, and that following a conference with representatives from Piedmont Airlines, Delta Airlines and United Airlines a contract has been agreed upon, subject to approval of the City Council, which would increase landing fees by some $7,500 a year in 1967 and 1968 and by $15,00 a year in 1969 and 1970.

The City Manager stated that if the Council has no objection the Corporation Counsel will assist in preparing amendments to existing contracts to include this increase, and the contracts will be brought back to the Council for formal action.

Councilman McRary asked for information regarding extending the runway to accommodate jet aircraft.

The City Manager stated the airlines had advised him that according to their calculations they could continue to operate on the existing runway for some seven to ten years.

Councilman Algary disagreed with this, stating he felt air travel would increase in coming months, that the runway extension would be needed within two or three years, and he thought consideration should be given to this in the not too distant future.

The City Manager advised that he had today received a schedule from the bond attorneys, after conference with the Local Government Commission in Raleigh, for holding the referendum on the bonds for the East Riverside Urban Renewal Project, setting the date of the election for March 7th, and that the City Clerk had inserted notice of said election for publication on January 13th and 20th.

The City Manager presented the statement showing the budget position of the city for the period ending December 31, 1966.

Councilman Algary discussed a press report of the Recreation Board recommendations regarding the zoo, and the use of Recreation Park insurance money.

The City Manager advised that no one has expressed any interest in operating another ice skating rink, but that he has not yet received the recommendation from the Recreation Board regarding use of this money, and the matter will be brought before the Council when the recommendations are received.

Mayor Eller brought up for discussion the offer of Aston Park Hospital to purchase the Rhododendron Park property.

Councilman Crouch stated he thought the Council should wait for the report of the Buncombe County Planning Council before making any decision in this matter, since he felt selling the park property to Aston Park Hospital would in a way signify approval of the hospital's moving out of its present site and seeking community support for financing a new hospital. Councilman Crouch further stated he was not against Aston Park Hospital, or any hospital, but the study already presented was not complete, and the Buncombe County Planning Council, now embarked on a project of drafting priorities for new medical construction in Asheville, might recommend construction of a hospital by the City.

The City Manager advised that to place the property up for sale would require a motion that the necessary description of the property be prepared and a resolution drawn authorizing the sale after due advertisement.

Councilman Sumner stated he thought the Council should go ahead with the advertisement, and that the sale could be stopped if an unfavorable report is received from the Planning Council.

Councilman Algary requested that the Clerk read the minutes of the December 22nd meeting of the City Council concerning this matter.

Councilman Crouch stated he felt the report of the Planning Council would be of great significance to the city, and moved that the City Council delay considering the offer of Aston Park Hospital until after the report is received from the Buncombe County Planning Council, which motion was seconded by Councilman Algary.

Councilman Sumner made a substitute motion that the Corporation Counsel begin the legal work necessary for the immediate sale of the property, which motion was seconded by Councilman McRary.

Councilman Algary discussed the matter of indigent patients at Mission Hospital, stating he thought some money should be donated by the city for this purpose, and urged delay of the sale until the report of the Planning Council is received.

A vote was then taken on the substitute motion, with Councilmen Sumner, Morgan, Mulvaney and McRary voting in favor of said motion, and Councilmen Crouch and Algary voting against, and the Mayor declared said motion passed.

Mr. B. H. Williams presented a petition signed by 46 citizens requesting the resumption of sale of annual memberships at the Municipal Golf Course. Other speakers included Mr. Carl Bridges and Mr. Douglas Grant, and the suggestion was made that if annual memberships are not to be sold until July 1st, that nominal green fees be charged until that time.

The City Manager stated that work on constructing the lower nine holes was begun last fall, but that due to bad weather this construction was not completed as quickly as it had been hoped. However, it is expected that the work will be completed by July 1st, and at that time it is expected that a recommendation regarding memberships will be made by the Recreation Board. The City Manager further advised that the city also plans to rebuild the upper nine. The City Manager also advised that there was no intent on the part of the city to do away with annual memberships, but it was felt that during this construction period memberships should not be sold until July 1st.

The City Manager suggested that the matter be referred to his office to see if some temporary arrangement can be worked out until July 1st.

There being no further business, the meeting was upon motion adjourned.

Margaret Sumner
CITY CLERK

Thursday, January 19, 1967 - 7:00 o'clock P. M.

The City Council of the City of Asheville, North Carolina met in regular session in the City of Asheville, North Carolina at 7:00 o'clock p. m., on Thursday, January 19, 1967.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Robert P. Crouch, T. P. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

Absent: Councilman C. E. Morgan

The minutes of the previous meeting were read and approved.

A letter was received from Loftin & Loftin, attorneys, requesting the rezoning of lots 102 and 104, Sheet [illegible]

A letter was received from Wright & Shuford, attorneys, requesting the rezoning of certain lots located on the southern margin of Patton Avenue near its intersection with the new Leicester Highway.

Both of said requests were referred to the Planning and Zoning Commission for study and recommendation.

The City Manager presented a written report in regard to natural gas distribution in the city as follows:

"By formal resolution the City of Asheville awarded a gas franchise to the Asheville Gas and Light Company in March, 1903, and this utility has been in continuous service in this city from that date. The Public Utilities Act, Chapter 62 of the General Statutes of North Carolina sections 62-1 through 62-325, in the public interest, placed this utility under the North Carolina Utilities Commission, and imposed regulations pertaining to health, safety, and welfare.

"In order for this utility to operate in the City of Asheville, section 25-14 of the Code of Ordinances of the City of Asheville, requires that a street cut permit be secured before disturbing any street or sidewalk, and the City has full financial responsibility for proper repairs. This ordinance also imposes full responsibility on the City for injuries or damages received or sustained from neglect, and saves the city harmless.

"Section 3-48 of the Code under the Air Pollution Control ordinance requires a permit before fuel burning heating equipment is installed, and this same ordinance regulates the installation of heating equipment.

"In addition to the safeguards imposed by the State Utilities Commission and the City of Asheville, the Public Service Company of North Carolina, Inc., the operating company that serves natural gas in this municipality, requires all construction to meet the nationally accepted Code ASA B31.8, which is prepared by the American Society of Mechanical Engineers. I am informed by the Chief Engineer of the Public Service Company of North Carolina that it is the operating procedure that the company employ an outside contractor to examine the local system annually seeking out unrecorded leaks, employing the most professional method known to determine if leaks do exist.

"In completing this report it seems to me that sufficient safeguards are imposed to require this utility to furnish safe and efficient service. I have requested of the local management of the Public Service Company of North Carolina to furnish the City of Asheville Engineering Department with a complete map of all the distribution system as it serves the City of Asheville, and as extensions are made that the map be kept up to date, and he has most willingly agreed to do this. Such a map will be a valuable addition to the several departments of city government in the interest of health, safety and welfare."

The City Manager discussed the various safety regulations, and advised that the rule about outside valves in places of assembly applies to both old and new buildings. The City Manager stated that the North Carolina League of Municipalities and the Chief Engineer of the Public Service Company had been most helpful in providing information, and that he did not think any further regulations were needed.

In regard to the request for annual playing permits at the Municipal Golf Course, the City Manager advised that restricted type permits would be sold to holders of 1966 playing permits for $25.00 until July 1, 1967, and explained that "restricted" meant the city reserved the right to close the golf course when necessary and had no commitment to the holder of the permit.

The City Manager advised that The Hertz Corporation has now executed an agreement relating to rental car service at the Asheville Airport.

Councilman Mulvaney then introduced resolution authorizing and directing Mayor and City Clerk to execute a renewal with The Hertz Corporation relating to rental car service at Asheville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 60.
Copy of agreement will be found attached to original resolution.

Councilman Algary then introduced a resolution authorizing the Mayor to file application with the Local Government Commission for its approval of the proposed $1,400,000.00 Redevelopment Bonds, which was, upon motion of Councilman Algary, seconded by Councilman McRary, adopted. Councilman Sumner cast a dissenting vote.

Complete copy of resolution will be found in Resolution Book #5 at page 61.

The City Manager advised that the Housing Authority had requested the city to amend its resolutions adopted October 15, 1964 and September 22, 1966 and to consolidate these resolutions.

Councilman Crouch introduced the following resolution:

RESOLUTION TO AMEND RESOLUTIONS ADOPTED OCTOBER 15, 1964 AND SEPTEMBER 22, 1966 AND TO CONSOLIDATE SAID RESOLUTIONS APPROVING APPLICATION FOR PRELIMINARY LOANS FOR LOW-RENT PUBLIC HOUSING

WHEREAS, it is the policy of the locality to eliminate sub-standard and other inadequate housing through the provision of adequate housing for families of low income, and to realize as soon as feasible the goal of a decent home and a suitable living environment for every family; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the Public Housing Administration is authorized to make financial contributions to local public housing agencies for undertakings to provide low-rent housing projects that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to be undertaken, that only private enterprise and that the Public Housing Administration shall not make contributions to any housing project for preliminary loans for surveys and planning in respect to any low-rent housing project unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such assistance; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") is a public body, duly organized to deal with the Public Housing Administration for a preliminary loan to cover the costs of surveys and planning in connection with the development of low-rent housing;

WHEREAS, it is determined that additional units are required to be constructed and that the Resolutions of October 15, 1964 and September 22, 1966 should be amended and consolidated to provide for additional units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

1. That there exists in the City of Asheville a need for such low-rent housing at rents within the means of low-income families.

2. The application of the Local Authority to the Public Housing Administration for preliminary loans to cover costs of surveys and planning in connection with low-rent housing consisting of not to exceed Six Hundred Twenty-five (625) dwelling units is hereby approved.

Councilman Crouch moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Mulvaney, and upon roll call the "Ayes" and "Nays" were as follows:

NAYS:

0

The Mayor thereupon declared said Motion carried and said Resolution adopted.

Complete copy of resolution will also be found in Resolution Book #5 at page 62.

Councilman Crouch introduced the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality") desire to enter into an Amendment to its Cooperation Agreement increasing the number of low-rent housing units to be covered by said Agreement;

NOW THEREFORE BE IT RESOLVED BY the City Council that the Local Authority and the Municipality enter into an Amendment to its Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Amendment being in substantially the following form:

AMENDMENT NO. 2
TO
COOPERATION AGREEMENT

This Amendatory Agreement entered into this ____ day of _____, 1967, by and between the

Housing Authority of the City of Asheville (herein called "Local Authority") and the City of Asheville, North Carolina (herein called "Municipality"), witnesseth:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated November 12, 1964 and amended November 14, 1966 providing for aid and cooperation in respect to low-rent housing projects developed and to be developed and operated by the Local Authority with the financial assistance of the United States of America, Housing Assistance Administration (herein called "HAA"), (formerly called "Public Housing Administration" or "PHA"); and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to cover additional low-rent housing units;

NOW, THEREFORE, the Local Authority and the Municipality do agree that the number of units set forth in Section 2 of the aforesaid Cooperation Agreement be increased by 25 and that the figure "600" be changed to read "625".

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(SEAL)
ATTEST:

CITY OF ASHEVILLE, NORTH CAROLINA
(Corporate Name of Municipality)

City Clerk

(SEAL)
ATTEST:

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
(Corporate Name of Local Authority)

By: _____
Chairman

Secretary

Councilman Crouch moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Mulvaney and upon roll call the "Ayes" and "Nays" were as follows:

AYES

NAYS

6

0

The Mayor thereupon declared said motion carried and said resolution adopted.

Complete copy of resolution will also be found in Resolution Book #5 at page 63.

Miss Lynda L. Reighard, on behalf of Asheville-Biltmore College, invited the Council to attend the first graduation ceremony of the college the weekend of February 3 and 4, 1967.

Mr. James S. Howell, attorney for Sam Baer, presented a claim for damages in the amount of $505.55.

This was referred to the Corporation Counsel for investigation.

Mr. W. G. Hutchison proposed the creation of a non-profit, non-partisan Community Safety Council with a full-time paid staff to coordinate safety efforts in this area. Mr. Hutchison outlined the program of the proposed Safety Council, and stated that no funds were asked of the city at this time, but asked the city to pledge the cooperation of its departments in the proposed safety program.

Following the discussion, the City Manager suggested that the Council offer support in the use of public meeting places, and any other way in which the city can assist in this grassroot program to improve safety in this area.

Councilman Crouch moved that the Council go on record as pledging its support to this program, which motion was seconded by Councilman Mulvaney and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

ATTEST:

Margaret Simmons
CITY CLERK

Thursday, January 26, 1967 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 4:00 o'clock P.M., on January 26, 1967.

Present: Mayor E. W. Eller, presiding, and Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, J. W. Algary, T. B. Sumner (came in during the meeting).

Absent: Robert P. Crouch

Also present J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A letter was received from Richard M. Yearwood, Planning Director, submitting a set of the planning studies completed in 1966 by the staff of the Metropolitan Planning Board of the City of Asheville and Buncombe County, which reports were approved by the Metropolitan Planning Board at its January 18th meeting.

The City Manager explained that in order to submit the East Riverside Project bonds to referendum certain procedures had been set up by the city's bond attorneys, Mitchell, Pershing, Shetterly & Mitchell of New York City.

Councilman Algary introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING
$1,400,000 REDEVELOPMENT BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Algary, seconded by Councilman Mulvaney, the ordinance entitled "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan and Mayor Eller

Nays: None

Councilman Algary discussed a recent letter in the Back Talk column of the Asheville Citizen regarding lack of action and called attention to the fact that the action taken today set up an election on the proposed bonds, which letter was filed with the City Clerk.

Thereupon Councilman Morgan introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE CITY
MANAGER TO PREPARE AND FILE THE
SWORN STATEMENT OF DEBT AND
ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Morgan, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan and Mayor Eller

Nays: None

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes.

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE
CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT
TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, J. Weldon Weir, City Manager of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Finance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the books in my office, after taking into consideration any debt incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds:

(a) GROSS DEBT

a(1) Outstanding debt, not evidenced by bonds ..... $ ....None....

a(2) Outstanding bonded debt:

Date of Issue	Designation	Amount
July 1, 1936	Water Refunding	$ 2,504,545.97
July 1, 1936	General Refunding	8,030,984.68
July 1, 1936	Beaverdam Water & Sewer Dist.	222,616.19
July 1, 1936	Caney Valley Water & Sewer Dist.	14,273.19
July 1, 1936	E. Biltmore Sanitary Sewer Dist.	11,000.00
July 1, 1936	Fairview Sanitary Sewer Dist.	11,388.67
July 1, 1936	Hazel Ward Water & Watershed Dist.	6,564.70
July 1, 1936	S. Buncombe Water & Watershed Dist.	79,194.40
July 1, 1936	Swannanoa Water & Sewer Dist.	389,545.48
July 1, 1936	Water Bond of 1951	1,990,000.00
Dec. 1, 1951	Airport Bonds 1st Series	610,000.00
Dec. 1, 1957	Airport Bonds 2nd Series	40,000.00
Dec. 1, 1960	Water Bonds of 1961	4,065,000.00
Nov. 1, 1961	Grade Separation Bonds	190,000.00
June 1, 1964	Public Improvement Bonds	490,000.00
June 1, 1964		
	TOTAL BONDED DEBT	$18,655,113.28

a(3) Bonded debt to be incurred under ordinances passed or introduced:
Redevelopment Bonds ..... $ 1,400,000.

a) GROSS DEBT, being the sum of a(1), a(2) and a(3) $20,055,113.28

(b) DEDUCTIONS

b(1) Unissued funding or refunding bonds included in Gross Debt ..... $ None

b(2) Sinking Funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes ..... $ 2,502,668.33

b(3) Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt ..... $ None

b(4) Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some part of the gross debt ..... $ None

b(5) Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes ..... $ 8,559,545.97

b(6) The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt ..... $ None

b(7) Indebtedness included in gross debt and incurred for school purposes ..... $ None

b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6), and b(7) $11,062,214.30

c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b) ..... $ 8,992,898.98

(d) ASSESSED VALUATION

d) ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1966 ..... $200,127,323

(e) DEBT RATIO

e) Percentage which the net debt bears to said assessed valuation ..... 4 .494 %

The foregoing statement is true.

S/ Weldon Weir
City Manager of the
City of Asheville

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 26th day of January, 1967.

My commission expires:
Dec. 16, 1968

S/ Lillian Ducker
Notary Public

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement filed with me at a meeting of the City Council of said City on January 26, 1967, after the introduction and before the passage of an ordinance authorizing $1,400,000 Redevelopment Bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 26 day of January, 1967.

S/ Margaret Simmons
City Clerk

(SEAL)

Thereupon, upon motion of Councilman McRary, seconded by Councilman Mulvaney, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan and Mayor Eller

Nays: None

Thereupon, upon motion of Councilman Algary, seconded by Councilman Mulvaney, the ordinance entitled: "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS", as hereinabove set forth was read a second time and passed upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan, and Mayor Eller

Nays: None

Thereupon, upon motion of Councilman Algary, seconded by Councilman Mulvaney, the ordinance entitled: "ORDINANCE, AUTHORIZING $1,400,000 REDEVELOPMENT BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan, and Mayor Eller

Nays: None

Thereupon the ordinance entitled : "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS" and the resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinance and said resolution his approval of the forms thereof.

Thereupon upon motion by Councilman Mulvaney, seconded by Councilman McRary, and adopted, the City Clerk was directed to publish the ordinance entitled: "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS" in The Asheville Times, once in each of two successive weeks, and to publish at the foot of said ordinance the appended note as required by The Municipal Finance Act, 1921, as amended.

Thereupon Councilman Algary introduced in written form the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond election is hereby called to be held on Tuesday, March 7, 1967, between 6:30 A.M. and 6:30 P.M., Eastern Standard Time, at which there shall be submitted to the voters of said City the following question:

> Shall an ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 2. The Council has ordered a supplemental registration of voters not theretofore registered for such election, and the books for such registration will remain open from 9:00 A.M. to sunset on each day beginning Saturday, February 11, 1967, and ending Saturday, February 25, 1967. On each Saturday during said registration period the books will be open at the polling places. Saturday, March 4, 1967, will be Challenge Day.

Section 3. Notice of said election shall be published in The Asheville Times, at least 30 days before the date hereinabove fixed for the closing of the registration books, and again not later than 20 days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
and
SUPPLEMENTAL REGISTRATION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A.M. and 6:30 P.M., Eastern Standard Time, Tuesday, March 7, 1967, at which there will be submitted to the qualified voters of the City of Asheville the following question:

> Shall an ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

A supplemental registration of voters not theretofore registered has been ordered for such election. The books for such registration will remain open from 9:00 A.M. to sunset on each day beginning Saturday, February 11, 1967, and ending Saturday, February 25, 1967. On each Saturday during such registration period, the books will be open at the polling places. Saturday, March 4, 1967, is Challenge Day.

The precincts and polling places at which the election will be held and the names of the election officials, subject to change as provided by law, are as follows:

PRECINCTS	POLLING PLACES	REGISTRARS	JUDGES
1	Court House	Fay V. Lanning	John L. Ingle Floyd Evans
2	William Randolph School	John H. Hall	Mrs. Austa Nesbitt Reva M. Redmon
3	Claxton School	Mrs. Cecil Earp, Sr.	Mrs. M. H. Saunders Mrs. Helen Bowers
4	North Asheville Community Center	Mrs. Eugene Bartlett	Mrs. Gertrude Addington Mrs. Jennie Earp
5	Ira B. Jones School	Mrs. Mary L. Batchelor	Mrs. Ray Coppedge Mrs. Luther Oates
6	Haw Creek School	Mrs. Mary W. Flynn	Mrs. Frank Farrell Mrs. Lorraine Bosse
7	Newton School	Mrs. J. J. Stone	Thomas C. Posey Paul A. Bentz
8	Biltmore School	Mrs. Edith G. Shuford	Hobart Evans Mrs. Virginia Suddereth
9	Oakley School	Mrs. Ruth Kerley	R. Paul Williams Jack McGuinn
10	Livingston Street School	Willie Ford Hennessee	Eugene Smith Robert Black
11	South French Broad High School	Mary Lee Redmon	Doris Swilling Hazel McNeill
12	Hall Fletcher School	George G. Simpson	Mrs. Polly Bradley H. R. Logan
13	Eugene Rankin School	Doris Fisher	Fairlee Taylor Margie Hagan
14	Aycock School	Mrs. Pauline Brinkley	Mrs. Arleene Brownlee Mrs. Barbara Moody
15	Vance School	Mrs. J. H. Parris	W. T. Hollingsworth Mrs. F. W. Hancock
16	New West Asheville Fire Station	Mrs. W. M. Jones	Mrs. Richard Krickan Mrs. William W. Boyd
17	Asheville Art Museum, 325 Charlotte St.	Theresa R. Jones	Evelyn Whitaker Glenn F. Crawford

By order of the Council of the City of Asheville, this 26th day of January, 1967.

MARGARET SIMMONS
City Clerk

Section 4. The persons whose names are mentioned in the foregoing form of election notice are hereby appointed registrars and judges, respectively, for the polling places therein set forth, and the election shall be held at such polling places.

Section 5. The form of the question to appear in the ballot form of the voting machines which are to be used at said election shall be substantially as follows:

YES SPECIAL BOND ELECTION TUESDAY MARCH 7, 1967	NO Shall an ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 6. The Municipal Board of Elections is hereby authorized and directed to perform all of the duties necessary for the calling and holding of said special bond election.

Section 7. The City Clerk is hereby directed to immediately certify a copy of this resolution to said Municipal Board of Elections.

Section 8. This resolution, being a resolution directing administrative action, shall take effect

immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Algary, seconded by Councilman McRary, the foregoing resolution entitled "RESOLUTION CALLING A SPECIAL BOND ELECTION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morgan, and Mayor Eller

Nays: Councilman Sumner

Thereupon the resolution entitled "RESOLUTION CALLING A SPECIAL BOND ELECTION" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

The City Manager advised the Council that in accordance with terms previously discussed Amendment to Lease Agreements with Piedmont Aviation, Inc., Delta Air Lines, Inc., and United Air Lines had been prepared.

Councilman Morgan then introduced a resolution authorizing and directing Mayor and City Clerk to execute Amendment to Lease Agreement with Piedmont Aviation, Inc., Delta Air Lines, Inc., and United Air Lines, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 67.
Copies of Amendments will be found attached to original resolution.

The City Manager advised that it was necessary to update the City's Workable Program for Community Improvement and submit a review of progress to the Department of Housing and Urban Development, and that same had been prepared.

Councilman Sumner discussed the matter of enforcment and housing inspections.

Following the discussion, Councilman Mulvaney introduced a resolution authorizing Mayor to request the Department of Housing and Urban Development to recertify the City's workable program for community improvement under the Federal Housing Act of 1954, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 68.

The City Manager advised that today is the date set for the public hearing on the request made by A. M. Smith for the rezoning of Lot 120, Sheet 16, Ward 2.

Mr. W. Harold Sams, individually and as attorney for eight other property owners, presented a Petition requesting the Council to remand this matter back to the Planning and Zoning Commission for a rehearing. Mr. Sams spoke on behalf of the petitioners.

Following a discussion, Councilman McRary moved that this matter be referred back to the Planning and Zoning Commission for further consideration, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the request made by W. L. Maynard for the rezoning of certain lots on Swannanoa River Road.

There being no objection, Councilman McRary introduced Ordinance No. 549, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED," which was, upon motion of Councilman McRary, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Edison Hill, representing Robert O. Hofland, President of Asheville Cablevision, Inc., appeared before the Council and requested, in view of the recent Supreme Court decision, that the Council take whatever action is necessary to bring to a vote an ordinance allowing a franchise operation of cable television within the city limits of Asheville under about the same provisions as contained in the contract executed by said company with the city in October, 1965.

In reply to a question as to any proposed changes, Mr. Hill stated that under the original contract

the end of the twenty year period all plants and equipment were to be turned over to the City, but under the City Charter franchises can be granted for thirty-five years, and it was now felt that the franchise should be granted for said thirty-five years, and it would not be feasible to turn back the plants and equipment at the end of said period; so that all percentages remain the same. Mr. Hill further requested that the election be held as soon as possible, and that Asheville Cablevision would pay whatever the Council required of the cost of said election.

Councilman Algary asked when said cable television could be in operation, and Mr. Hill advised that it was hoped this would be in less than a year, but this would depend on how quickly material could be purchased.

The City Manager asked the Corporation Counsel if this election could be held at the same time as the proposed bond election, March 7th.

The Corporation Counsel advised that under the City Charter and state law this could be done, if the proposed ordinance is passed in time to have publication five days before the election.

The Corporation Counsel further advised that Mr. Hill's request constituted an application for franchise, and that the Council now has this application before it.

The Council requested that the Corporation Counsel proceed to bring the matter to an election.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, February 2, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 2, 1967, at 4:00 o'clock P. M. with Mayor J. W. Eller presiding. Present: Councilmen Robert P. Crouch, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 103, 104, Sheet 14, Ward 6, being the request of Mr. and Mrs. J. C. Harrison.

February 1, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. and Mrs. J. C. Harrison:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was accepted as information by the Council.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning which was requested by William Frue, attorney for Robert Lee Ledford.

February 1, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Attorney William Frue for Mr. Robert Lee Ledford:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the Council.

A letter was received from Mrs. Dawn Lantzius in connection with this zoning request.

A letter was received from the Planning and Zoning Commission reaffirming its position that Lot 120, Sheet 16, Ward 2, be rezoned from RA-M District to Neighborhood Trading Area.

February 1, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. A. M. Smith, Appalachian Realty Company:

The Commission reviewed the Petition of opposition submitted as new information by City Council. After discussion, the Commission voted unanimously to re-affirm its recommendation of January 4, 1967, that Lot 120, Sheet 16, Ward 2, be rezoned from the RA-M District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the Council.

A Protest Petition was filed by Mr. W. Harold Sams, on behalf of himself and eight property owners.

Ordinance No. 548, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 549, being 'AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The Corporation Counsel advised that, as requested, an ordinance had been prepared embodying the fr[an]chise to Asheville Cablevision Corporation, which ordinance is basically the same as the original lease-license agre[e]ment except the period of the franchise is thirty-five years, there is no provision for the cablevision system to re[v]ert to city ownership at the conclusion of the franchise, and that maximum rates for service to customers are prov[i]ded; and that if the ordinance is passed on three readings, an election can be held on March 7th.

In response to a question by Councilman Algary as to lower rates, the Corporation Counsel advised th[at] this would be implied, but the Council reserved the right to fix reasonable rates for services provided.

Following the discussion, Councilman Morgan introduced Ordinance No. 550, being "AN ORDINANCE GRANT[ING] A FRANCHISE TO ASHEVILLE CABLEVISION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELE[VI]SION SYSTEM IN THE CITY OF ASHEVILLE", which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Charles Roth, representing the Lakeview Park Commission, appeared before the Council requesting [a] traffic control device to slow down traffic between Beaverdam Road and the city limits at Newbridge, and also asked that action be taken to keep trucks from travelling through this residential neighborhood.

The City Manager advised that the State Highway Commission is supplying the city with standard truck route signs, and that these will be installed at an early date.

There being no further business, the meeting was upon motion adjourned.

Margaret Sumner
CITY CLERK

Thursday, February 9, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 9, 1967, at 4:00 o'clock P. M. with Mayor [E]. Eller presiding. Present: Councilmen W. F. Algary, Robert P. Crouch, C. E. Morgan, F. M. Mulvaney, City Manager [Wa]don Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. Kenneth Lee resigning as a member of the Recreation Board for Asheville.

This resignation was accepted with regret, and the City Clerk was requested to express to Mrs. Lee the [a]preciation of the Council for her service on this Board.

A letter was received from Richard B. Ford, on behalf of the North Carolina Society for the Prevention [o]f Cruelty to Animals, requesting the passage of an ordinance which would control and prohibit the sale of baby fowl and [r]abbits within the city limits.

Mr. Ford appeared before the Council in behalf of the request.

Councilman Algary stated it was his understanding that state-wide action may be taken in regard to this [m]atter.

Following the discussion, the Council directed that the Corporation Counsel prepare such an ordinance for [c]onsideration by the Council.

A letter was received from W. Harold Sams, on behalf of himself, and eight property owners, protesting [th]e rezoning of Lot 120, Sheet 16, Ward 2.

Mr. William Cocke, attorney for The Thoms Broadcasting Companies, Inc., Harold H. Thoms, and Meredith [H]. Thoms, submitted a bid for the CATV franchise now under consideration, advising that this bid was in the nature of [an] Ordinance and reflected a higher return to the city and a more favorable rate to prospective customers, and that his [cl]ients pledged their financial support to the corporation for the proper financing of the system. Mr. Cocke requested [th]at this proposed ordinance be adopted, and that the one under consideration be dropped.

The City Manager pointed out that in order to meet the deadline of the March 7th election and comply with [th]e necessary publication there is a question as to whether this can be done if there is any delay.

The Corporation Counsel advised that in order to meet this deadline the proposed ordinance would have [to] be passed on its first reading today. The Corporation Counsel further stated that the Council is not required under [an]y Charter provision or state law to ask for bids for a CATV system, nor is there any requirement about consideration [of] the merits of one against the other.

Mr. Cocke stressed the financial responsibility of his clients, and stated that the financial responsi[bi]lity of Asheville Cablevision had not been determined.

Mr. Edison Hill, representing Asheville Cablevision, spoke in favor of the Ordinance granting the fran[ch]ise to this company, and advised that his client was financially responsible, and that he will furnish this information [to] the Council.

Mr. Alan Shaw read a prepared statement regarding cable television, and asked questions regarding the [ed]ucation channel" provided for in the ordinance.

He was requested to leave his statement with the Council, and the City Manager advised it would be re[vi]ewed and a report made.

Councilman Algary suggested that the Mayor and Mr. Starnes check with Mr. Hill as to the financial back[in]g of Asheville Cablevision, and the Mayor advised that this would be done.

Following the discussion, Ordinance No. 550, being "AN ORDINANCE GRANTING A FRANCHISE TO ASHEVILLE CABLE[VI]SION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE", upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the [fo]llowing vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 549 was, upon motion of Councilman McRary, seconded by Councilman Sumner, and being 'AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED', unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted 'aye' — Councilman Crouch voted "aye"
Councilman Algary voted 'aye' — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 549

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following property be rezoned from Residential District to ROADSIDE BUSINESS AREA:

Lots 61, 62, 63, 64, and 65, Sheet 20, Ward 8

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 26 day of January, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 9 day of February, 1967, to become effective 24 day of February, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 548, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Crouch voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported that Chief A. R. Sluder of the Police Department requested retirement effective February 1st, and that under the Policemen's Pension Fund Chief Sluder would receive a pension of $358.22 per month.

The City Manager further advised that under the Civil Service process competitive examinations were held and that J. C. Hall had made the highest rating, and had been appointed Chief of Police; and further that his appointment created a vacancy in the position of Assistant Chief of Police, and under the same process Eugene Jarvis had made the highest rating, and had been appointed Assistant Chief.

Councilman Mulvaney introduced a resolution appointing member of Recreation Board for Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 69.

The City Manager advised that as directed by the Council a metes and bounds description of the Rhododendron Park property had been prepared, together with a resolution authorizing advertisement of a public sale of this property, in connection with the offer made by Aston Park Hospital, Inc. The City Manager further advised that he had conferred with Mr. Coke Candler, Chairman of the Board of County Commissioners, regarding a tract of land consisting of 84 acres near the County Home on the Leicester Highway, together with an additional twenty acres on both sides of the said Highway, which could be developed as a joint city-county recreation development, and that Mr. Candler had expressed an interest in the project, which could be financed with the money received from the sale of Rhododendron Park, plus federal funds.

Councilman Morgan introduced a resolution authorizing City Manager to advertise for public sale the property known as Rhododendron Park, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 70.

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1967.

Mrs. George G. Gilbert, 1 St. Dunstan's Road, presented a prepared list of questions regarding the East Riverside Urban Renewal Project. Mrs. Gilbert stated she represented the Buncombe County Republican Women's Club.

The City Manager advised that this information is available and of record, and will be furnished Mrs. Gilbert tomorrow.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 16, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 16, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, F. M. Mulvaney, T. B. Sumner, Dr. Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Homer C. Smith requesting the rezoning of Lots 1, 1-1/4, 1-1/2, and 2, Ward 5, Sheet 14.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received from Ashley Enterprises, Incorporated requesting the rezoning of a lot on the west side of Central Avenue, north of Orchard Street.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Richard B. Ford, representing the North Carolina Society for the Prevention of Cruelty to Animals, requesting that the city enact an ordinance prohibiting the shooting of high-powered bows and arrows within the city limits.

Councilman Sumner stated that he was of the opinion such an ordinance should be enacted, and made a motion that the Corporation Counsel prepare this ordinance for consideration by the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mayor Eller announced that Ordinance No. 548, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", is up for its third and final reading.

Mr. W. Harold Sams again protested the passage of the ordinance, alleging illegalities in the procedures followed.

Following the discussion the ordinance was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 548

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following property be rezoned from RA-M District to NEIGHBORHOOD TRADING AREA:

Lot 120, Sheet 16, Ward 2

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 2 day of February, 1967.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 16 day of February, 1967, to become effective 3 day of March, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Algary asked if an investigation had been made into the financial backing of Asheville Cablevision.

The Corporation Counsel reported that he had received a copy of a telegram to Asheville Cablevision from Hartwell Brothers, Inc. in which said company expressed a great interest in acquiring an interest in Asheville Cablevision after a franchise had been granted, but that a definite decision could not be made until after a Board of Directors meeting on February 21st. The Corporation Counsel further advised that this is not a definite commitment, but that Hartwell Brothers is a substantially solvent and highly reputable company, and suggested that the third reading of the ordinance be deferred for one week, which would give the company sufficient time to make a definite commitment, and would still be within the time limitation for the election.

Councilman Morgan then moved that action be deferred on the ordinance for one week, which motion was seconded by Councilman Sumner and unanimously adopted.

The City Manager advised that as requested an ordinance governing the sale of baby chickens, ducklings and other fowl, and rabbits, had been prepared.

Councilman Sumner then introduced ORDINANCE NO. 551, being "AN ORDINANCE TO GOVERN, CONTROL AND PREVENT THE SALE, OFFERING FOR SALE, BARTER OR GIVING AWAY BABY CHICKENS, DUCKLINGS, OR OTHER FOWL, UNDER THREE WEEKS OF AGE, OR RABBITS UNDER TWO MONTHS OF AGE, AS PETS, TOYS, PREMIUMS OR NOVELTIES", which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a property owner, Mrs. Dorothy J. Dorsey, wished to enter into a lease for the lake frontage at the Carolina Power & Light Company lake on her property.

Councilman Mulvaney then introduced a resolution authorizing City Manager to enter into Lease Agreement with owner of property fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 72.
Copy of lease will be found attached to original resolution.

The City Manager reported the answers to the questions asked by Mrs. Gilbert of the Buncombe County Republican Women's Club had been forwarded to Mrs. Gilbert on Friday of last week.

Miss Fannie McCoy presented petitions signed by some 2,264 citizens requesting the City Council to enact an ordinance eliminating fluoride, caustic soda and calgon from the public water supply of the City of Asheville, or submit said ordinance to the voters at an election, as provided by the City Charter.

The City Manager advised that the procedure would be to refer the petitions to the City Board of Elections for certification of the signatures, residence, address, authentications, etc., and, if found to be sufficient, the Council is required under the City Charter to enact the ordinance or submit it to a vote.

Councilman Morgan moved that the said petitions be referred to the City Board of Elections for this purpose, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mr. E. L. Symms, 322 Midland Drive, appeared before the Council with a complaint that the present dog control ordinance is not being enforced and asked what steps the city intended to take to enforce this ordinance. Mr. Symms was spokesman for a delegation of several persons.

The City Manager advised that the city has only two dog wardens and that perhaps additional personnel is needed, which would mean additional expense to the City. The City Manager stated that this matter would be given some thought and that he would make a recommendation to the Council.

The City Manager pointed out that this was the first complaint that had come before the Council, and that public support is needed in enforcing the ordinance.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 23, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 23, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Dr. Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Municipal Board of Elections stating that the petitions submitted by Miss Fannie B. McCoy requesting the City Council to pass an ordinance regarding the elimination of certain chemicals from the public water supply of the city had been carefully examined, and that the Board was unable to find the essential oath to be made before an officer competent to administer oaths, as set out in Sections 83 and 85 of Article XII of the City Charter, and therefore the petitions are not in proper order for certification by the Board and are hereby returned.

The City Manager stated that the city administration appreciates people taking the time to come in and express themselves on the enforcement of the dog control ordinance, pointing out that the city has two dog wardens who work a forty hour week, but apparently this is not sufficient man-power to give the people the enforcement they want. The City Manager advised that since this ordinance was enacted upon a vote of the people it could not be amended except by a vote, and stated that, with the consent of the Council, the number of dog wardens would be doubled beginning March 1st, with the hope that this will help solve the problem.

The City Manager also discussed the enforcement of the ordinance, stating the city will need the cooperation of citizens in making complaints and testifying against violators of the ordinance.

Several citizens were heard on this matter, including E. L. Symms, Mrs. Minnich and J. L. Morgan.

Mr. Edison Hill, attorney for Asheville Cablevision Corporation, introduced Mr. Belton A. Copp of Old Lyme, Connecticut, president and chairman of the Board of Hartwell Brothers, Inc., who spoke to the Council regarding the financial backing for Asheville Cablevision Corporation.

Mr. Copp advised that his associates in this financial backing are Henry Gardner, the largest individual stockholder of the North Carolina Telephone Company and The Cox Broadcasting Co. of Atlanta, which already operates a number of cablevision systems, and stated that all of these have an agreement with Asheville Cablevision Corporation.

Mr. Copp stated that the cost of installing such a system would be approximately $810,000, and pointed

...it that there are certain "if's" to the firm's following through with CATV if and when a referendum vote is favorable, said "if's" being: If the Federal Communications Commission will speedily approve a CATV system for Asheville, since under an FCC executive order the agency assumed regulation over CATV installations in the 100 largest markets in the United States, and Asheville ranks between 36th and 40th in the country; if there is no "severe recession" in the United States before Asheville Cablevision negotiates its contract for purchase of equipment; and if permission is secured from the Federal Aviation Agency to install the tower.

Mr. Copp stated that, assuming all conditions are met, he is making a commitment of financial backing of Asheville Cablevision.

Councilman Algary stated it was to be understood that the local station would always be protected.

Mr. William Cocke, attorney for The Thoms Broadcasting Companies, Inc., presented a letter requesting that Ordinance No. 550 be rejected, and that the Ordinance heretofore presented by him be adopted by the Council, with the change that the election be held on May 2nd. Among Mr. Cocke's arguments was his contention that Ordinance No. 550 would not be valid because fifteen days will not have elapsed after the third reading as required by the Charter.

The Corporation Counsel stated that in his opinion this was not a valid objection, and that all Charter requirements would be met.

Mr. Harold Thoms spoke to the Council regarding his application, outlining his financial status, and stating that a performance bond in the amount of $100,000 would be given, and that he saw no difficulties in the installation of such system.

Mayor Eller asked if any member of the Council wished to introduce the ordinance awarding the franchise to The Thoms Broadcasting Companies, Inc.

Councilman Algary suggested that the matter be deferred for a week, and Councilman Summner also expressed this opinion.

Following the discussion, Ordinance No. 550, being "AN ORDINANCE GRANTING A FRANCHISE TO ASHEVILLE CABLEVISION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"	Councilman Sumner voted "no"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Crouch voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 550

AN ORDINANCE GRANTING A FRANCHISE TO ASHEVILLE CABLEVISION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ASHEVILLE, NORTH CAROLINA:

That ASHEVILLE CABLEVISION CORPORATION, a North Carolina Corporation, hereinafter at all times referred to as GRANTEE, or its successors, be and it is hereby granted a franchise, right and authority subject to limitations imposed, to sell and supply to individuals, firms and corporations, public or private, by the City of Asheville, hereinafter at all times referred to as the City, at any and all places within the corporate limits of the City of Asheville as said limits now are or hereafter at any time and times may be or be established, Community Antenna Television and Audio Communications Services.

For the purposes herein stated; and subject to an election herein provided:

1. The CITY grants to the GRANTEE, its successors and assigns, the right to erect, install, construct. reconstruct, replace, remove, repair, maintain and operate in or upon, under, above, across and from the street, avenues, highways, sidewalks, bridges and other public ways, easements, rights of way and lands, and as now existing and all extensions thereof and additions thereto, in the City of Asheville, all equipment, facilities, appurtenances, and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, wave guides and cables, of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional of every nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by community antenna television and audio communications services, in accordance with the laws of the United States of America, the State of North Carolina, and the City of Asheville.

2. This franchise shall be effective only after the same has been submitted at a special election to the qualified voters of the City and a majority of those voting upon the proposition have voted in favor of granting such franchise. This franchise will be submitted to the qualified voters of the City of Asheville at a special election previously scheduled for March 7, 1967. Upon such approval and the certification of the City of Asheville of the returns from the election, and after the acceptance of this franchise by Asheville Cablevision Corporation, said franchise shall continue in full force and effect for a period of thirty five (35) years from the acceptance.

3. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall be exclusive, and the City releases the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of this ordinance.

4. The GRANTEE shall pay to the CITY an annual sum of money computed upon the gross monthly service charge received by the GRANTEE for providing the radio and television signals over the system within the limits of the City of Asheville as follows:

A. 16% of the first $600,000.00 received as gross monthly service charges.

B. In addition, the GRANTEE will pay to the CITY 50% of its gross annual service receipts in excess of $600,000.00 (said $600,000.00 being based on a projected minimum subscription of ten thousand residences within the present corporate area of the CITY and the density of said residences in said area to be served by the GRANTEE). Should the CITY expand its corporate limits, then and in that event, the minimum gross of $600,000.00 shall be increased in direct portion of the additional area, the density of residences and the number of residences to be served by the GRANTEE in said expansion.

Such payment shall be deemed compensation for use of CITY's property rights, services rendered, supervision and inspection of equipment and facilities.

5. Such annual sum shall be payable one-half thereof at the end of each semi-annual period. The

...-annual anniversary shall be the 30th day of June and the 31st day of December of each year and each semi-annual ...ment shall be paid within sixty (60) days thereafter.

6. The GRANTEE shall keep complete records of accounts showing dates and payments received and shall ...ish a semi-annual accounting by a certified public accountant to CITY on payment dates as said dates are herein set ... The duly authorized agent of the CITY shall have the right power and authority to inspect the gross monthly ser...e charge records of the GRANTEE at the premises of the GRANTEE during the business hours of any work day.

7. In addition thereto, the GRANTEE shall file with the CITY's Clerk and shall keep in its local of...., to be available for inspection by the city, a copy of the rules, regulations, terms and conditions adopted by the ...TEE and in effect with its subscribers.

8. The GRANTEE shall furnish to the CITY or assigns one channel to be used by the CITY or its assigns ...e educational purposes together with all necessary equipment and facilities including but not limited to at least one ...ble studio completely equipped on the premises of the GRANTEE and one completely equipped mobile unit which said ...dio and mobile unit shall be sufficient to originate and broadcast over said system only educational T. V., together ...h a camera crew not to exceed three persons, at no cost to the CITY or its assigns. The facilities herein gratui...sly furnished the CITY or its assigns shall not be used in any commercial manner or means and shall not be set over ...assigned to any person, firm, corporation or agency other than one engaged in public or a free education and no sub...ber of the GRANTEES shall be in any manner at any time charged any rate or fee for the use of the facilities herein ...ntitously given to the CITY or its assigns.

9. The GRANTEE will supply one free drop and all internal wiring to primary and secondary schools, fire ...tions, police stations, and the City of Asheville City Hall located within the City. There shall be no monthly ser...e charge for said service.

10. GRANTEE shall submit to the CITY the form of its service agreement between the GRANTEE and its sub...ribers and shall furnish the CITY a full schedule of its charges to be paid by subscribers, before soliciting for sub...ribers within the City of Asheville and shall furnish by certified mail to the GRANTOR any amendments or alterations ...the service agreement or schedule of charges.

11. The GRANTEE may charge no more than the following rates for its services:

Residential Rates

Installation Charge*	$15.00
Monthly Service Charge	5.00
Additional Outlets	
Installation Charge (each)*	5.00
Monthly Service Charge (each)*	1.00

...dential charges include all single dwelling units, multiple dwelling units where billing is made to each individual ...cupant, individual professional offices and restaurants.

Commercial Rates

Installation Charge *	15.00
Monthly Service Charge	5.00
Additional Outlets	
Installation Charge (each)*	5.00
Monthly Service Charge (each)*	1.00

...mercial charges include motels, hotels, mobile home parks, and all multiple dwelling and other business establishments ...ere one billing is made to the owner for five or more single occupant units or outlets.

Other Rates

...harge for reconnecting a customer after disconnecting for non-payment of amounts due or disconnected for convenience of ...e customer, will be $5.00. Charge for relocating outlets within a serviced unit will be $5.00.

*Additional charges, if any, for unusual circumstances, such as under-ground cable, or more than 200 feet of distance ...om cable to connection of service to subscriber will be charged at material cost plus labor cost at $5.00 per hour, mini...um charge $10.00. Provided, however, that the City Council shall have the right, power and discretion to fix reasonable ...ates for the services herein provided, and upon satisfactory proof that the rates are unreasonable, being either too high, ...r too low, in light of future conditions, the council may make adjustments in the rates, upon application of the Grantee ...r any other interested party.

12. The CITY hereby grants the right, privilege and authority to the GRANTEE to lease, rent or in any ...ther manner obtain the use of towers, poles, lines, cables and other equipment, and facilities from any and all holders ...f public licenses and franchises within the corporate limits of the City of Asheville and to use such towers, poles, ...lines, cables and other equipment and facilities, subject to all existing ordinances and regulations of the City of Ashe...ville.

13. The poles used for the GRANTEE's distribution, system shall be those which are already erected, when ...nd where practicable, providing mutual satisfactory rental agreements can be entered into with the power and/or telephone ...ompanies. The GRANTEE shall have the right to erect, install and maintain its own towers, poles, guys, anchors, under...ground cables and ducts as may be necessary for the proper construction and maintenance of the antenna site, head-end ...nd distribution system, provided that poles, underground cables or ducts placed on municipal properties shall first have ...their location approved by the City Engineer. Such permission shall not be unreasonably withheld.

14. All transmission and distribution structures, lines and equipment erected by the GRANTEE within the ...City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and ...places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of ...the said streets, alleys, or other public ways and places.

15. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the GRANTEE shall, at ...its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway, ...or surface of any street or alley disturbed, in as good condition as before said work was commenced.

16. In event that at any time during the period of this agreement the CITY shall elect lawfully to alter, ...or change the grade of any street, alley or public way, the GRANTEE, upon reasonable notice by the CITY, shall remove, ...relay and relocated its poles, wires, cables, underground conduits, manholdes and other fixtures at its own expense.

17. The GRANTEE shall not place poles or other fixtures when the same will interfere with any gas, elec...tric or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be ...placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to ...the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said ...street, alleys and public ways.

18. The GRANTEE, shall, on the request of any person holding a building moving permit issued by the GRANTOR temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the GRANTEE shall have the authority to require such payment in advance. The GRANTEE shall be given not less than five days advance notice to arrange for such temporary wire changes.

19. The GRANTEE shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the GRANTEE, all trimming to be done under the supervision and direction of the CITY and at the expense of the GRANTEE.

20. The GRANTEE shall, during the existence of this agreement, furnish reasonable, adequate and efficient community antenna reception service to the residents of the City wherever practicable and the GRANTEE agrees to maintain its system in reasonable repair and working order and to provide adequate facilities for such maintenance. These arrangements may be temporarily suspended by disaster or emergency conditions or other circumstances beyond the reasonable control of the GRANTEE.

21. These GRANTEES shall not, as to rates, charges, service facilities, rules, regulations, or in any other respects, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage; provided, however this shall not be deemed to prohibit the establishment of a graduated scale of charges and classifications of customers to which any customer coming within such classification shall be entitled.

22. No privilege or exemption is granted or to be inferred by this agreement except those specifically prescribed herein. Any privilege claimed under this agreement in any street shall be subordinate to any prior lawful occupancy of the street.

23. The GRANTEE may sell or assign its right, title and interest hereunder to any firm, business or corporation provided that prior approval of such assignment shall be obtained from the Council of the City of Asheville which said approval shall not be unreasonably withheld. In the event of such an assignment, then immediately upon the delivery to the Council of the City of Asheville of the aforesaid assumption agreement, duly executed by the assignee, all of the rights, obligations, privileges and liabilities herein granted to the GRANTEE shall forthwith devolve upon the assignee who shall in all respects stand in the place and stead of the original corporation hereunder.

24. The GRANTEE's plant and equipment, including the antenna site, head-end and distribution system towers, structures, poles, wires, underground cables and appurtenances shall be installed in accordance with good engineering practices, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the municipality may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the National Electrical Code of the National Board of Fire Underwriters and such applicable Laws of the State of North Carolina and applicable ordinances of this municipality which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable, and maintained in a safe, suitable and substantial condition, in good order and repair.

25. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the construction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning lights.

26. The GRANTEE shall develop its system as herein provided and offer service to every resident of the City of Asheville served by a public utilities of the City of Asheville including City water and sewage facilities, Carolina Power & Light facilities, Southern Bell Telephone and Telegraph facilities and Public Gas Service facilities.

27. The GRANTEE shall at all times comply with all rules and regulations of the Federal Communications Commission or any other duly authorized agency of the United States of America and any and all rules and regulations of said Federal Communications Commission or other duly authorized United States governmental agency shall immediately become a part of and in all manner and respects binding upon the GRANTEE.

28. The GRANTEE shall not at any time during the existence of the agreement engage in or in any manner or for any cause Pay T. V. as that term is now understood.

29. The GRANTEE, its stockholders, partners or agents shall not engage in the business of selling or repairing television or radio receivers in connection with its operation of its community antenna television and audio communications services.

30. The community antenna television and audio communications system will be so designed, engineered and maintained by the GRANTEE so as not to interfere with the television reception of residents of the CITY who are not subscribed to its services.

31. The GRANTEE shall at all times defend, indemnify, protect and save harmless the City of Asheville from and against any and all liability, losses and physical damage to property and bodily injury or death to persons, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance and operations of the GRANTEE's community antenna television and audio communications service, and resulting from or by any negligence, fault or misconduct on the part of the GRANTEE, its agents, officers, servants and employees. GRANTEE shall carry public liability insurance for the protection of itself and the CITY. The GRANTEE shall hold the CITY harmless against damages resulting from legal action which may be brought against it in connection with the establishment and/or operation of the GRANTEE's community antenna system in the City of Asheville. The GRANTEE shall also carry Workmen's Compensation coverage on its employees who are engaged in any manner in the erection, construction, replacement, repair, maintenance and operations of the GRANTEE's plant and equipment.

32. For the purpose of compelling compliance with their grant and franchise, and to secure efficiency of public service at reasonable rates, and the maintenance of the community antenna system in good condition during the full term of the grant, it is provided that failure of GRANTEE, or its successors or assigns to comply with any of the provisions of the grant, or default in any of its obligations hereunder, except for causes beyond the reasonable control of the GRANTEE, and shall fail within thirty (30) days after written notice from the municipality to commence, and within a reasonable time, complete the correction of such default or non-compliance, the City Council shall have the right to revoke and declare forfeited this agreement and all rights of the GRANTEE hereunder. In the event the GRANTEE shall be adjudged bankrupt or placed in receivership, CITY may declare the special rights herein granted forfeited and terminated.

33. If any section, subsection, sentence, clause, phrase or portion of this Ordinance held invalid or unconstitutional, such portion will be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

I move the adoption of the foregoing ordinance.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 23 day of February, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 551, being "AN ORDINANCE TO COVERN, CONTROL AND PREVENT THE SALE, OFFERING FOR SALE, BARTER OR GIVING AWAY BABY CHICKENS, DUCKLINGS, OR OTHER FOWL, UNDER THREE WEEKS OF AGE, OR RABBITS UNDER TWO MONTHS OF AGE, AS PETS, TOYS, PREMIUMS OR NOVELTIES", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the 1967 Edition of the North Carolina Building Code had been adopted by the Building Code Council, and on April 1, 1967 this new Edition will replace the 1958 Edition and all amendments thereto.

Councilman Mulvaney then introduced Ordinance No. 552, being "AN ORDINANCE ADOPTING NORTH CAROLINA STATE BUILDING CODE, VOLUME I, 'GENERAL CONSTRUCTION', 1967 EDITION, WHICH REPLACES THE 1958 EDITION", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that, as requested by the SPCA, an ordinance had been prepared controlling the shooting of high-powered bows and arrows in the City limits.

Councilman Algary then introduced Ordinance No. 553, being "AN ORDINANCE AMENDING SECTION 18-7 OF THE ASHEVILLE CITY CODE, TO INCLUDE ARROWS SHOT BY BOWS", which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Pete Murray of the Asheville Archery Club appeared before the Council to endorse the passage of this Ordinance.

The Reverend Robert S. Busey, Chairman of the Education Committee of the Asheville Human Relations Council, presented a request that the City Council fill the vacancy that will occur on the City School Board this spring with a qualified Negro so that the Board will have on it representation from both races within the school district.

Miss Fannie McCoy spoke in opposition to a recent press release in which Dr. H. W. Stevens, Buncombe County Health Director, suggested the State Legislature pass a bill that would permit the State Board of Health to require fluoridation of the water supply of any community.

Mrs. Nell Stroupe of the Pure Water Association, also spoke in opposition to this proposal.

Miss Fannie McCoy requested the return of the Petitions heretofore filed with the Council and determined by the City Board of Elections not to be in proper order for certification, and the said Petitions were returned to Miss McCoy.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 2, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 2, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, Robert P. Crouch, W. F. Algary, C. F. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved. Councilman McRary stated that since he had recommended the CATV Ordinance he would support same and wanted to go on record as so stating.

A letter was received from the Planning and Zoning Commission recommending the rezoning of the property on the East side of Central Avenue as requested by Ashley Enterprises, Inc.

March 1, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition of Attorneys Lee and Allen (for Mr. Joe Emerson Rose, President of Ashley Enterprises, Inc.):

It was moved, seconded, and unanimously passed that the Commission recommend that the following described property be rezoned from the RA-M District to Neighborhood Trading Area.

Property bounded on the North by Clayton Street; on the West by Central Avenue; on the South by Orchard Street; and on the East by Orchard Place and the east property line of lot 08, Sheet 2, Ward 2.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 1, 1-1/4, 1-1/2, and 2, Sheet 14, Ward 5, as requested by Homer C. Smith.

March 1, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Homer C. Smith:

It was moved seconded, and unanimously passed that the Commission recommend that Lots 1, 1-1/4, 1-1/2, and 2, Sheet 14, Ward 5, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendations of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same to be held on March 23, 1967, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from W. T. Burr, Jr. protesting the use of fluoride in the public water supply.

This was received as information by the Council.

Ordinance No. 551, being "AN ORDINANCE TO GOVERN, CONTROL AND PREVENT THE SALE, OFFERING FOR SALE, BARTER OR GIVING AWAY BABY CHICKENS, DUCKLINGS, OR OTHER FOWL, UNDER THREE WEEKS OF AGE, OR RABBITS UNDER TWO MONTHS OF AGE, AS PETS, TOYS, PREMIUMS OR NOVELTIES", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 551

AN ORDINANCE TO GOVERN, CONTROL AND PREVENT THE SALE, OFFERING FOR SALE, BARTER OR GIVING AWAY BABY CHICKENS, DUCKLINGS, OR OTHER FOWL, UNDER THREE WEEKS OF AGE, OR RABBITS UNDER TWO MONTHS OF AGE, AS PETS, TOYS, PREMIUMS OR NOVELTIES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful and an offense for any person, firm or corporation to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, under three weeks of age, or rabbits under two months of age, as pets, toys, premiums or novelties or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, or other fowl, or rabbits or to bring or transport the same into the City of Asheville; provided, however, that this ordinance shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

Section 2. Violation of this ordinance shall be deemed a misdemeanor and any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine not exceeding the sum of Fifty Dollars ($50.00) or imprisonment for a period not exceeding thirty days, or both.

Section 3. This ordinance shall be in full force and effect fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 16 day of February, 1967.

T. B. Sumner
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 2 day of March, 1967, to become effective 17 day of March, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 552, being "AN ORDINANCE ADOPTING NORTH CAROLINA STATE BUILDING CODE, VOLUME I, 'GENERAL CONSTRUCTION', 1967 EDITION, WHICH REPLACES THE 1958 EDITION", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 553, being "AN ORDINANCE AMENDING SECTION 18-7 OF THE ASHEVILLE CITY CODE, TO INCLUDE ARROWS SHOT BY BOWS", was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that because of the need for more off-street parking in the downtown area leases had been negotiated with Narvel J. Crawford for a lot on Carter Street, located between Patton Avenue and Haywood Street, with space for 140 vehicles, for $156.21 a month; with the Bank of Asheville, as trustee for the W. H. Anderson Estate and the Anderson heirs for a lot at Otis and Post Streets north of the U. S. Post Office, with space for 120 cars, at a rental of $517.03 a month; and with A. G. Carver and the McKenzie Estate for the lot formerly occupied by the Oates Building on North Pack Square, with space for about ten cars, at a rental of $110.00 a month.

At the suggestion of Councilman Sumner the City Manager stated that an escape clause will be included in the new leases under which the City, after giving the land owner notice of two or three years, could be released from the lease.

The City Manager was authorized to have said leases prepared and presented to the Council for formal adoption.

There was a discussion concerning the creation of a parking authority, the purpose of which would be to construct multi-level parking buildings to relieve the critical parking shortage in downtown Asheville with funds to be derived from the sale of revenue bonds, which in turn would be retired with proceeds from rental of parking spaces.

Mr. Eugene C. Ochsenreiter, Executive Secretary of the Central Asheville Association, informed the Council that a committee of the association by Z. B. Robinson wants to make a formal presentation of this matter to the Council.

The City Manager advised that the city government wants to cooperate in the venture so long as the city's "full faith and credit" would not have to be pledged to back up parking authority revenue bonds.

Copies of the 1966 Annual Report of the Asheville Fire Department were distributed to members of the Council.

Miss Fannie McCoy again presented petitions signed by some 2,320 citizens requesting the City Council to enact an ordinance eliminating fluoride, caustic soda and calgon from the public water supply of the City of Asheville, or submit said ordinance to the voters at an election, as provided by the City Charter.

Councilman Mulvaney moved that the said petitions be referred to the City Board of Elections for certification, which motion was seconded by Councilman McRary, and unanimously adopted.

Mrs. Lee M. Bauer, Chairman of the Advisory Committee of the North Carolina Society for the Prevention of Cruelty to Animals, appeared before the Council with the request that the city provide funds to purchase 24 more cages at the shelter for stray dogs, stating that the extra cages are needed because of the City Council's decision to more strictly enforce its ordinance forbidding dogs to run at large in the city and doubling its dog warden force.

The City Manager advised that the animal shelter is the county's responsibility, and Councilman Algary noted that 55% of tax dollars collected in the city go to the county government. Mrs. Bauer was advised to take this matter up with the Board of County Commissioners.

The City Manager advised that in order to canvass the results of the bond election held on March 7, it would be necessary to adjourn this meeting until Wednesday, March 8, 1967, at 10:00 o'clock A. M.

Councilman Mulvaney moved that this meeting be adjourned until Wednesday, March 8, 1967, at 10:00 o'clock A. M., which motion was seconded by Councilman Algary and unanimously adopted.

CITY CLERK

Wednesday, March 8, 1967 - 10:00 o'clock A. M.

The Council of the City of Asheville, North Carolina, met in adjourned session at the City Hall, the [illegible] at ten o'clock A. M. on March 8, 1967.

Present: Mayor E. W. Eller, presiding, and Councilmen W. F. Algary, J. W. McRary, F. M. Mulvaney, Robert P. [illegible], T. [illegible] and C. E. Morgan.

Absent: None.

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A petition was received from Atkins-Harper Lumber Company, Inc. requesting that a ten foot strip of land on the northern margin of Lots 141, 142 and 142½, Sheet 6, Ward 5 be zoned Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Traynham Houston resigning as a member of the Asheville School Board.

This resignation was received with regret, and the City Clerk was requested to express to Mr. Houston the Council's appreciation for his service on said Board.

The City Manager stated that in making a report to the Council of the results of the election held on March 7th he wished to point out that the Council has caused several bond elections to be undertaken in the city over the past several years, and this is the first bond election in which there has been a negative vote, and in connection with this negative vote he wished to make a statement as follows:

"It is recalled that an airport to serve Asheville was defeated on first try, but a second election was called and this fine airport is a reality and serves this community well.

"The East Riverside Project is a great human need that should have a second chance.

"If the City Council approves, I would like to be authorized to work with Federal agencies to the end that funds allocated to East Riverside Project be retained, so this community can have a second chance to right a wrong, and hopefully in this calendar year."

Councilman Sumner stated that the vote against the project was nearly two to one; that it would cost [illegible] $6,500.00 to hold another election; and that he thought the Council should stand by the vote of the people

Councilman Mulvaney introduced in written form the following resolution which was read:

RESOLUTION CANVASSING THE RETURNS
OF THE SPECIAL BOND ELECTION HELD
ON MARCH 7, 1967, AND DETERMINING
AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on March 7, 1967, in the City of Asheville having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare.

(a) That each registrar and judge for said special bond election was duly qualified by law and had taken the necessary oath

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against the question submitted, but also the number of voters registered and qualified to vote in each precinct at said special bond election

(c) That at said special bond election there was submitted to the qualified voters of said City the following question:

Shall an ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved"

(d) That no complaint has been made to the Council against the regularity of said election.

(e) That said election and the registration therefor were duly and properly held in accordance with

Section 2. That the following schedule correctly shows the designations of the several precincts at which said election was held and, as to each precinct, the location of the polling place, the number of voters registered and qualified to vote in each precinct, the number of votes cast in favor of the question submitted, the number cast against said question and the totals of such numbers:

Precinct	Polling Places	Voters registered and qualified to vote	Question Submitted: Votes for	Question Submitted: Votes against
1	Court House	888	173	49
2	William Randolph School	3245	380	367
3	Claxton School	3045	338	420
4	North Asheville Community Center	2627	652	473
5	Ira B. Jones School	2297	602	475
6	Haw Creek School	2719	413	657
7	Newton School	1716	356	398
8	Biltmore School	1062	82	175
9	Oakley School	1604	96	420
10	Livingston Street School	1205	401	85
11	South French Broad High School	1215	273	157
12	Hall Fletcher School	1123	73	301
13	Eugene Rankin School	1115	102	311
14	Aycock School	1364	121	268
15	Vance School	3197	351	793
16	New West Asheville Fire Station	2271	208	573
17	Asheville Art Museum, 325 Charlotte St.	1588	343	256
	Totals	32281	4964	6108

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 32281 voters were registered and qualified to vote.

(b) That at said election 4964 votes were cast for the ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 6108 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted

A [illegible] adopted, and that said ordinance was thereby defeated.

Section 4. That the certified copy of the returns of said election, made by the registrars and [illegible] and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Mulvaney, seconded by Councilman Morgan, the foregoing resolution entitled "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON MARCH 7, 1967, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yes: Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan, and Mayor Eller

No: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON MARCH 7, 1967, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof. [illegible] recorded in Resolution Book #5 at pages 73 and 74.

Thereupon, Councilman Crouch introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MARCH 7, 1967.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on March 7, 1967.

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on March 7, 1967

At a special bond election held in the City of Asheville on March 7, 1967 32281 voters were registered and qualified to vote.

At said election 4964 votes were cast for the ordinance passed on January 26, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 6[illegible] votes were cast against said ordinance, and said ordinance was thereby defeated.

This statement is given by order of the City Council of the City of Asheville, this 8th day of March.

Mayor

Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

MARGARET SIMMONS
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Crouch, seconded by Councilman McRary, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MARCH 7, 1967" was passed by the following vote:

Yes: Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan, and Mayor Eller

No: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MARCH 7, 1967" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof. This resolution is also recorded in Resolution Book #5 at pages [illegible]

Mayor Eller stated that in preparing the East Riverside Project to the electorate we had the wholehearted support of the Chamber of Commerce in its efforts to educate the citizens and secure favorable local news media, he asked for public support for the project on the one hand and called for the defeat of the project on the other hand. This destroyed the effectiveness of Chamber support of the project and paved the way for the type of attack was applied by the management of the local TV station through its editorial [illegible]

At this point the City Manager read again his report on the election.

Councilman Crouch stated that he agreed with the statement of the City Manager and made a motion that Council authorize a second vote on the East Riverside Urban Renewal Project at the next regular meeting.

Councilman Sumner again protested the calling of a second election.

Councilman Morgan seconded the motion.

The City Manager advised that HUD authorities would have to be contacted immediately about obtaining funds, and that the same procedure as before would have to be followed with the Local Government Commission and the attorneys, which would probably take about six months.

Councilman Algary stated he did not believe the people of Asheville understood what was at stake in the matter, since, for a bond issue of $1,400,000, there would probably be $20,000,000 worth of construction which would benefit all the citizens of the city.

Councilman Sumner discussed the other Urban Renewal projects and again protested the calling of a second election.

Following the discussion a vote was taken on the motion and it was adopted with Councilman Sumner casting a dissenting vote.

The City Manager presented the results of the election on "AN ORDINANCE GRANTING A FRANCHISE TO ASHEVILLE CABLEVISION CORPORATION FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE", HELD MARCH 7, 1967, as reported by the election officials, and certified by the Municipal Board of Elections.

Precincts	For the Ordinance	Against the Ordinance
[illegible]	6[illegible]	132
[illegible]	0[illegible]	6[illegible]3
[illegible]	10[illegible]	426
[illegible]	2[illegible]1	9[illegible]
[illegible]	2[illegible]2	8[illegible]6
[illegible]	112	994
[illegible]	6[illegible]2	581
[illegible]	13	228
[illegible]	35	462
[illegible]	5[illegible]1	342
[illegible]	5[illegible]7	3[illegible]5
[illegible]	23	328
[illegible]	18	381
[illegible]	34	347
[illegible]	107	999
[illegible]	5[illegible]6	7[illegible]8
[illegible]	125	462
[illegible]	1[illegible]7[illegible]	6[illegible]24

The City Manager called attention to Senate Bill 78 pending in the North Carolina Legislature, which attempts to amend the City Charter, stating that said bill was introduced without local discussion and that he believes it would be in order to advise the Buncombe County delegation serving in the Legislature that this bill has had no local discussion, and that no attempt should be made to amend the City Charter without local discussion and recommendation.

Councilman Algary moved that the local delegation in the General Assembly be so advised, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that the term of Mrs. William T. Pennell as a member of the Asheville School Board expires on April 1, 1967.

Upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Councilman Morgan then introduced resolution appointing member of Asheville School Board, which was,

Complete copy of resolution will be found in Resolution Book # 5 at page 76

Upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Councilman Crouch introduced a resolution appointing member of Asheville School Board, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 77

The Mayor announced that due to the resignation of Dr. John P. Holt as a member of the Housing Authority of the City of Asheville he was nominating Mr. Joseph S. Wilkins of 78 Congress Street to fill this unexpired term.

Ordinance No. 552, being "AN ORDINANCE ADOPTING NORTH CAROLINA STATE BUILDING CODE, VOLUME I, "GENERAL CONSTRUCTION", 1967 EDITION WHICH REPLACES THE 1958 EDITION", was, upon motion of Councilman Mulvaney, seconded by Councilman McCrary, unanimously passed on its third and final reading with the following vote:

Councilman McCrary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO 552

AN ORDINANCE ADOPTING NORTH CAROLINA STATE BUILDING CODE, VOLUME I, "GENERAL CONSTRUCTION", 1967 EDITION, WHICH REPLACES THE 1958 EDITION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. There is hereby adopted that certain building code known as the North Carolina State Building Code, 1967 Edition, prepared and adopted by the North Carolina Building Code Council, pursuant to the provisions of the General Statutes of North Carolina, sections 143-136 et seq., together with all amendments thereto. Such code is hereby adopted and incorporated as fully as if set out at length herein, and not less than three (3) copies of the same have been and shall be filed in public records in the office of the city clerk.

Section 2. The adoption of the 1967 Edition herein repeals the adoption of the 1958 Edition heretofore adopted.

Section 3. That this ordinance shall become effective fifteen days from date of final passage.

Upon the adoption of the foregoing ordinance, this 23 day of February, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted this 8 day of March, 1967, to become effective 23 day of March, 1967

APPROVED AS TO FORM

O. F. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 553, being "AN ORDINANCE AMENDING SECTION 18-7 OF THE ASHEVILLE CITY CODE, TO INCLUDE ARROWS SHOT BY BOWS", was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McCrary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 553

AN ORDINANCE AMENDING SECTION 18-7 OF THE ASHEVILLE CITY CODE, TO INCLUDE ARROWS SHOT BY BOWS

Section 1. That section 18-7 of the Asheville City Code be and the same is hereby repealed, and

Section 2. No person shall shoot or discharge, within the corporate limits of the city, any firearms, guns, pistols, rifles, spring guns, or compressed air rifle or pistol, or other similar device or weapon which propels or discharges with force any bullet, shot, or pellet of any kind, including arrows with metallic tips, or any arrow, dart, or missile, and propelled by a bow, or spring device. This section shall not apply to any governmental unit, or representative of any governmental agency or body, while engaged in the performance of their duties, or enforcing laws and regulations, while engaged in the performance of their duties, or in defending one's self or property; provided further that this section shall not apply in defending one's self or property; provided further that this section shall not apply to a firing or archery range operated or supervised by an individual, corporation, or governmental unit, if such firing or archery range has first been approved by the Chief of Police as to the safety of the city.

Section 3. That this ordinance shall become effective fifteen days from date of final passage.

Upon the adoption of the foregoing ordinance, this 23 day of February, 1967.

W. F. Algary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted this 8 day of March, 1967, to become effective 23 day of March, 1967

APPROVED AS TO FORM

O. F. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Algary stated that a strip of land north of the Parker property from Central Avenue to Charlotte Street was within the bounds of Civic Redevelopment Project No. N. C. R-12 that a building permit have been issued for construction on this property, and this was that the Redevelopment Commission understanding that said Resolution ... stated the opinion of the Corporation Counsel concerning this.

The Corporation Counsel advised that the City Council may approve or disapprove the request of the Redevelopment Commission, and that if Council approves the request, the facts set out therein are established, but that if substantial modification is made, it is required to come back before the Council for further consideration.

Councilman Algary moved that the Redevelopment Commission be notified that this is a substantial modification of the project and therefore should not be changed without Council approval, which motion was seconded by Councilman Sumner and unanimously adopted.

Miss Fannie McCoy spoke briefly in opposition to Urban Renewal.

Councilman Sumner discussed enforcement of city ordinances relating to property in the East Riverside Urban Renewal Project.

The City Manager advised the figures are available on this, and that people cannot be evacuated from property when they have no place to go.

Mr. Charlac Hart discussed the matter of teaching spiritual training in public schools, and was advised that this matter should be taken up with the School Board.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, March 16, 1967 ... o'clock P. M.

The City Council met in regular session Thursday, March 16, 1967, with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, I. W. McCrary, C. E. Morgan, W. F. Algary, T. P. Sumner, J. M. Mulvaney, City Manager Wade Hair, and Corporation Counsel O. F. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Algary stated that he wanted the minutes to clearly show that it is the intention of the Council that the boundaries of Civic Redevelopment Project No. N. C. R-12 remain as originally outlined, and cannot be changed without Council approval.

A letter was read from the Municipal Board of Elections rejecting the Petitions submitted by Miss Fannie McCoy on the question of fluoridating the public water supply.

Municipal Board of Elections
Asheville, N. C.

March 8, 1967

City Council
City of Asheville
Asheville, N. C.

Gentlemen:

We have again considered the petitions which you submitted to us under date of March 6, 1967, and return the same to you herewith for the following reasons:

The certifications attached thereto do not meet the requirements of the City Charter, which require that, "One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements thereon made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be". It appears that Miss Fannie B. McCoy has issued what purports to be a certification for each paper save one, and has not properly executed the papers as above shown to be required.

A perusal by the Board revealed several duplications in names and what appears to be duplications in signatures.

In addition, it appears that the proposed ordinance presented in the petitions is improper in that it does not provide for the repeal of the ordinance heretofore voted on and passed by the electorate of the City of Asheville, which required the addition of fluoride to the public water supply, which election was held on May 11, 1965.

Please note that we have marked these petitions, "Rejected by City Board of Elections", in order that the same ones shall not be resubmitted to us, as we feel the petitions are wholly invalid.

Yours very truly,

S/ Edison Hill
Edison Hill
Chairman

[illegible] that the Supreme Court gave the opponents of [illegible] on [illegible] asked that the City Attorney prepare a [illegible]

[illegible] that the City Attorney would be glad to do this.

[illegible] Mrs. Edward B. McCarthy asking the Council to consider the [illegible] of [illegible] the Council.

[illegible] read the Building Code of the City of Asheville, pointing out that, although [illegible] the houses in the city, including particularly a large number in the area covered by the [illegible] Board of Control project, were constructed prior to 1917; that there was no building code or housing [illegible] that in 1923 the only code was for new construction, and that this code was repealed [illegible] that in 1938 and this deals with land use and provides a minimum area for [illegible] that in 1945 the city adopted a Housing Code which established minimum standards of health [illegible] and that this Code was amended in 1964 and 1966, the Code being originally adopted [illegible] Department of Housing and Urban Development requirements and allow [illegible] to other federal programs.

[illegible] that to date there have been 7,428 inspections made, that [illegible] 2,902 dwellings have been vacated, that [illegible] the modern code and with [illegible] the owners have had an opportunity to learn the [illegible] section, and, as has been [illegible] which could not be made standard and which it would not be wise to try and upgrade because the [illegible] would exceed the value of the property.

The City Manager stated that there are still many houses which should be vacated, but there is no [illegible] due to the shortage of low-rent dwelling units; and stated that the concern should be [illegible] landlord.

The Director of Public Safety also advised that the Housing Department has assisted insofar as [illegible] relocate people, and that the department has been enforcing the code in one respect by having [illegible] substandard dwellings are vacated, and the water will not be turned on again until the [illegible] made.

The City Manager discussed the procedure that has to be followed in the razing of houses, stressing [illegible] that there are many other properties which are going to slums into these same conditions, and that under [illegible] houses cannot be rebuilt on the same amount of land.

Councilman Algary stated that the responsibility for the present condition rests with the Council [illegible] Housing Code up to standard; with enforcement of housing codes; with the slowness of [illegible] and the lack of low-rent housing.

Councilman Algary also discussed an article in the paper concerning a group calling themselves [illegible] Tax Dollars Committee", and if they were "protecting" themselves from receiving over $6,000 [illegible] and further discussed a reprint of an editorial from The Charlotte Observer, in which it was [illegible] that the [illegible] federal money which Asheville will not use will be available elsewhere, and that Char[illegible] progress in its urban renewal program have been improved.

The City Manager advised that the leases for the additional off-street parking which had been pre[illegible] had been prepared and were ready for consideration.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute lease with Mrs. W. H. Ander[illegible] The [illegible] of Asheville, as Co-Trustees under the Will of W. H. Anderson, Elizabeth A. Bourne and husband, Mart[illegible] A. Tennent, and husband, Mrs. Tom Ina A. Bryan, and husband; with D. B. McKenzie and First Union National Bank, Co-Trustees under the Will of Henry C. McKenzie, and A. C. Carver and wife; and with Narvel J. Crawford, Jr., for operation of off-street parking facilities by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman [illegible] and unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 78.
Copies of leases will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period end[illegible] for February 28, 1967.

Councilman Algary discussed the water rates, and the Metropolitan Sewerage District sewer charge, [illegible] the City Manager advised that the MSD Board cannot impose its new sewer charge on water customers until the sewage [illegible] disposal system goes into operation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 23, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 23, 1967, with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, Robert P. Crouch, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from Mrs. Bobbie Banner that her property at 36 Mace Avenue be rezoned from [illegible]idential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that today is the date set for a public hearing on the proposed zoning of [illegible]rtain property on the east side of Central Avenue at the request of Ashley Enterprises, and property adjacent to Rho[illegible]dendron Park at the request of Homer C. Smith, both of which have been recommended by the Planning and Zoning Commis[illegible]on, and due advertisement of this hearing has been published.

Mr. William Cagle, representing Homer Smith, spoke in favor of the rezoning of the Smith property, and [illegible]tated that no firm sales contract has yet been signed involving this property.

Mr. W. G. Taylor presented a petition, signed by some 56 persons, opposing the rezoning of the Smith [illegible]operty, and other speakers included Mrs. Ballinger, Mrs. Allen Haynes, and Mrs. Horace Smith. Mrs. Haynes stated that [illegible] number of the opponents of the rezoning didn't have time to get up a protest delegation for the hearing before the [illegible]anning and Zoning Commission, not having received notice of the hearing.

Councilman Algary stated that he had inspected the property, and did not think that it could be used [illegible]s residential property.

The City Manager pointed out that under zoning regulations the developer will have to submit a site [illegible]lan to the City Council showing proposed construction and other improvements to be placed on the ten acres if it is [illegible]zoned as roadside business, and that the site plan would have to be approved before the property could be developed, [illegible]th probably a buffer strip of greenery being required as part of the site plan in order to screen the business develop[illegible]ment from nearby residential land.

Following the discussion, Councilman Crouch moved that the Smith property be deleted from the proposed [illegible]rdinance, and that this matter be referred back to the Planning and Zoning Commission for further study, which motion [illegible]as seconded by Councilman Algary and unanimously adopted.

Councilman Algary then introduced ORDINANCE NO. 554, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN [illegible]AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman [illegible]lgary, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

The City Manager advised that as of May 1st free parking at the Asheville Airport will be replaced by [illegible]fenced, supervised parking lot requiring a parking fee, the appropriation for which was provided in the current city [illegible]udget, construction of the necessary facilities to start about April 1st. The City Manager advised that it is estimated [illegible]hat this venture will bring the city about $36,000 a year in gross revenue, of which some $20,000 a year would be net [illegible]ncome.

The City Manager stated that he was concerned about the wage and pay scale of city employees, and was [illegible]ure the City Council shared this concern; that a study of a report prepared by the North Carolina League of Municipalities [illegible]owed that Asheville was lagging behind in pay to its employees; and recommended that the Council create a Continuing Wage [illegible]eview Board composed of six citizens well qualified in the field of personnel to help establish fair and reasonable salaries [illegible]or employees of the city, taking into consideration the existing retirement plan for policemen and firemen and the policy [illegible]of the city in regard to other city employees.

Following a discussion, Councilman Morgan introduced a resolution appointing a Wage Review Board for the [illegible]ity of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 79.

There being no further business, the meeting was upon motion adjourned.

[illegible]
MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 30, 1967 - 4:00 o'clock P. M.

[illegible]er presiding. The City Council met in regular session Thursday, March 30, 1967, at 4:00 o'clock P. M. with Mayor E. W. [illegible]anager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr. Present: Councilmen Robert P. Crouch, J. W. McRary, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City

The minutes of the previous meeting were read and approved.

A letter was received from the Redevelopment Commission of the City of Asheville advising that the Commission at a meeting on October 13, 1964 took action to exclude from the Civic Redevelopment Area that portion of the project lying north of the East-West Expressway, which exclusion was to be accomplished at such time as the project was amended formally; stating the Commission felt this property was not of value to the success of the project and the Commission would recommend its exclusion at a public hearing; and asking for the Council's formal guidance as to the inclusion or exclusion of the Orchard Street area.

After a discussion, Councilman Algary moved that the property be retained as originally set out in the Urban Redevelopment Project, and that the Redevelopment Commission be requested to move forward with it as rapidly as possible, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Keep Asheville Beautiful Committee advising that at the request of the committee the city attorney had prepared a proposed ordinance to deal with the problem of junked and abandoned automobiles, and asking Council action on this proposed ordinance.

The city attorney advised that he would like to study this matter further, and would prepare an ordinance for consideration by the Council.

Ordinance No. 554, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The Corporation Counsel reported that on March 15th the Rhododendron Park property was sold, after due advertisement, and that Aston Park Hospital, Inc. was the only bidder, bid being in the amount of $100,000.00, and that no increased bid had been received.

Councilman McRary then introduced resolution authorizing sale of Rhododendron Park property to Aston Park Hospital, Inc., which was seconded by Councilman Mulvaney.

Councilman Algary discussed the part of the property that is now being used as a sanitary land fill, and said some agreement would be worked out with Aston Park Hospital authorities so the city could continue to use this fill for at least two more years.

Following the discussion, said resolution was adopted.
Complete copy of resolution will be found in Resolution Book #5 at page 80.
Copy of deed will be found attached to original resolution.

Mr. Blanton Wright asked the Council when it planned to add a fifth lane to Tunnel Road and whether the Council has rescinded its $100,000 allocation for this purpose; how a drive-in restaurant on Tunnel Road can be allowed to have a sign which Wright says is only six feet from the nearest driving lane and apparently on public right-of-way, and about the no left turn on Mineral Springs off Tunnel Road between the Beaucatcher Tunnel and Kenilworth Road.

The City Attorney advised that a problem of ownership of right-of-way along part of Tunnel Road exists, that the city has asked the State Highway Commission to determine the true center line of the road, but the State Highway Commission has never notified the city about this question; and the City Manager advised that traffic controls on Tunnel Road are set by the State Highway Commission.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 6, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 6, 1967, with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Watkins and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from W. T. Burr, Jr. advocating lowering of water rates, at least during the summer months.

This was received as information by the Council.

A letter was received from J. Nick Davis, President of Quick as a Wink, Inc., requesting the City Council to declare lot 92, Ward 2, Sheet 2, known as 47 Central Avenue, which is located in Urban Renewal Project No. NC-13 and designated as P 1, to be a compatible use and to permit a continuation and completion of the Quick As A Wink office building. Mr. Davis was present and spoke in behalf of his request.

Councilman Algary stated that this property was included in the original Urban Renewal Project as voted upon by the city voters, and must be handled like any other property in the Project, which means the Redevelopment Commission would purchase all the real estate in the area, draw up a land use plan subject to City Council and Federal government approval and put the real estate up for re-sale after clearing away all slums and other run-down structures.

Councilman Sumner stated he thought the area should be developed as a park.

Following the discussion, Councilman Algary moved that this property be retained by the Redevelopment Commission and handled as other areas in the Redevelopment Project have been handled, the question of proper use of the property to be determined, which motion was seconded by Councilman Sumner and unanimously adopted.

Ordinance No. 554, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 554

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from the RA-M District to NEIGHBORHOOD TRADING AREA:

Property bounded on the North by Clayton Street; on the West by Central Avenue; on the South by Orchard Street; and on the East by Orchard Place and the east property line of Lot 68, Sheet 2, Ward 2.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes upon hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 23rd day of March, 1967.

W. F. Algary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 6 day of April, 1967, to become effective 21 day of April, 1967.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that the city would like to delete certain portions of US 19-23 from Patton Avenue, College Street, South Pack Square, Spruce Street, and Woodfin Avenue from the State Highway System maintenance and place same under the Powell Bill funds, since this section is now handled by the Expressway.

Councilman Mulvaney then introduced a resolution requesting the North Carolina State Highway Commission

to delete from State Highway System maintenance certain highways within the city, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 81.

Ordinance No. 555, being "AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES, PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. William H. Haggard, Chairman of the Community Projects Committee of the Asheville Rotary Club, accompanied by a delegation youths from various city and county schools, requested the City Council to endorse the idea of an Asheville-Buncombe County Youth Council, and take appropriate steps to determine the feasibility of employing a full-time youth coordinator to function with an existing city department, possibly the Parks and Recreation Department; to provide funds in the 1967-68 budget for this purpose, and provide space and facilities; consult with the Board of County Commissioners about sharing the cost of the Youth Council since County as well as City teenagers would be invited to participate, and appoint an adult advisory board to guide and assist the Youth Council.

The purposes and aims of the Youth Council were explained by Mark Rose of Lee Edwards High School and Mrs. Joanne Dwiggins, Youth Coordinator of Greensboro. Other speakers included Zou Anne Feagin; Scott Heritage, president of the Youth Council of North Carolina; and a spokesman for the Youth Services Committee of the Buncombe County Planning Council, who requested support of this group instead of the teen-age coffee house at this time.

The City Manager recommended endorsement of this Youth Council, and stated that the Youth Coordinator could be attached to the Parks-Recreation Department, and with Council approval the program could be handled under available funds until July, when the new budget is to be considered. On the question of appointing an adult advisory board the City Manager asked for a recommendation from Mr. Haggard and his committee.

The matter was discussed by members of the Council, and following the discussion Councilman Sumner moved that the Council endorse this project, and instruct the City Manager to proceed with the employment of a Youth Coordinator to work under the Parks and Recreation Department, to consult with the Buncombe County Board of Commissioners about sharing the cost of the Youth Council, to seek recommendations from the sponsoring Rotary Club for members of an adult advisory board to guide the Youth Council, and to present a budget for review for the year starting July 1st, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 13, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 13, 1967, with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Wachovia Bank and Trust Company, Trustee under the Will of Tench C. Coxe, offering to lease to the City three lots fronting on Battery Park Avenue for an off-street parking facility.

The City Manager stated he would make a study of this proposal, and report to the Council.

Petitions signed by six persons, supporting the request to rezone 36 Mace Avenue, were received.

These were referred to the Planning and Zoning Commission.

Ordinance No. 555, being "AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES, PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the Housing Code of the City of Asheville sets up certain procedures to be followed to demolish houses that are no longer fit for human habitation, and to compel repair of houses that are capable of being made fit for human habitation; that the proper procedure has been followed in the case of the house at #46 Soco Street, which has been determined to be unfit for human habitation and incapable of being repaired, and that he recommends the passage of an ordinance directing that said house be removed.

The City Manager pointed out that the owner will be given thirty days notice to demolish the house, and, if it is not demolished, the City can have this done and the cost will become a lien against the real estate; and further the owner would be subject to a fine of $50.00 a day while the house remained standing in violation of city orders.

Following a discussion, Councilman Sumner introduced Ordinance No. 556, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 46 SOCO STREET AND OWNED BY ERNEST E. ABBOTT ET UX, MARY SUE ABBOTT", which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted 'aye'
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that under the Housing Code procedure it had been determined that the house at 176 South Liberty Street was unfit for human habitation but was capable of being repaired, and recommended passage of an ordinance closing said house for occupancy until said repairs have been made.

Councilman Mulvaney then introduced Ordinance No. 557, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 176 SOUTH LIBERTY STREET AND OWNED BY ARNOLD R. HENSLEY ET UX, EILEEN HENSLEY", which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that under the Housing Code procedure it had been determined that the house at 88 Central Avenue was unfit for human habitation but was capable of being repaired, and recommended passage of an ordinance closing said house for occupancy until said repairs have been made.

Councilman Morgan then introduced Ordinance No. 558, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 88 CENTRAL AVENUE AND OWNED BY G. J. METCALF ET UX MINNIE METCALF", which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted 'aye'
Councilman Sumner voted "yea"
Councilman Morgan voted 'aye'
Mayor Eller voted "aye"

Mr. Sanford W. Brown presented a Notice of Claim and Complaint entitled "Alice Hill McClarrin, Owner, Sanford W. Brown, her Attorney & agent in charge, & William Howard Sloan and his wife, Lulla Mae Sloan, Tenants of the property situate at No. 3 Greenlee St., Asheville, N. C. versus Water Department of the City of Asheville", demanding that the City of Asheville make the use of the water supply of the city immediately available on said property to the tenants now living thereon, and spoke at length concerning this claim.

The City Manager advised that under the Housing Code a "certificate of occupancy" must be obtained from the city when a house is vacated, and that the certificate will be withheld if the building inspector finds the house in question is unfit for human habitation or needs certain repairs to meet standards of the Asheville Housing Code, and that if a house has no certificate the city will cut off the water line connection in an effort to make it non-habitable until repairs are completed.

The City Manager further advised that the inspector had until now been unable to learn the identify of the owner of the Greenlee Street house, in order to serve papers about necessary repairs that would be required under the Code on substandard housing, and that now due notice will be given as to said repairs, and that the city will proceed as provided in the Housing Code.

Mr. Blanton Wright again appeared before the Council and discussed the proposed fifth lane on Tunnel Road and his complaint that a drive-in restaurant on said road is encroaching on public right-of-way.

The City Manager stated that Tunnel Road is a state highway and if the drive-in restaurant is encroaching on public right-of-way, the State Highway authorities will take action to have such hazards removed; and further that it might be well for Mr. Wright to consult the State Highway Commission concerning the fifth lane since state bond funds would be used for this construction and the state would have to let the contract.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 20, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 20, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 555, being "AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES, PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 555

AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES, PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

WHEREAS, many motor vehicles, or parts thereof have apparently been abandoned, discarded or allowed to remain indefinitely on the public streets, roads and rights of way for the same, and also on private property, and in places other than in junk yards, repair shops or garages, or such appropriate places, which condition tends to impede traffic, or obstruct the public use of streets, roads and highways within the City to the full width of easement or right of way, and also interfere with the use and enjoyment of private property within the City and reduce property values; and

WHEREAS, the abandonment or discarding of motor vehicles or partially dismantled motor vehicles or parts thereof within the City invites the crime of plundering, pilferage and theft, creates a fire hazard, and a special hazard to children who are or may be attracted to the same, and the same are, therefore, detrimental to the health, morals, comfort, convenience and welfare of residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful for any person, or persons, firm or corporation to abandon or discard motor vehicles or parts thereof on any highway, street, road, alley or place, to the full width of easement or right of way therefor.

Section 2. Be it further ordained that no person, or persons, firm or corporation shall abandon or discard any vehicle within the City, and the same shall not leave any vehicle for such time and under such circumstances as to create the appearance that the same has been abandoned or discarded.

Section 3. For the purposes of this ordinance a vehicle or part thereof shall be deemed to have been abandoned or discarded in the following circumstances:

(a) It has been left unattended upon a street or highway in violation of a law or ordinance regulating or prohibiting parking for a period of twenty-four (24) hours.

(b) It has been left unaccompanied on any street or highway, or on private property for a period of not less than seven (7) days.

Section 4. Be it further ordained that no person in charge or in control of any property within the City, either as owner, tenant, occupant, lessee or otherwise, shall allow any partially or wholly dismantled, non-operating, wrecked, junked or dismantled vehicle to remain on such property longer than seven (7) days, except that this Ordinance shall not apply with regard to vehicles or parts thereof in an enclosed building or on the premises of a business enterprise operated in a lawful place and manner and when necessary to the operation of said business enterprise, or in such an appropriate storage place maintained in a lawful place and manner by the City or other governmental authority.

Section 5. Any vehicle or part thereof found to be in violation of this ordinance is hereby declared to be hazardous to public health, and safety, as set forth in the preamble, and may be removed by or under the direction of a police officer, or other person designated by the Department of Public Safety of the City, or Street Department, and place the same in such area, compound, or place designated by person having authority to remove the same.

Section 6. A record containing a detailed and accurate description of the motor vehicles removed hereunder shall be kept for at least two (2) years. This record shall contain the date, location of the vehicle, and any other pertinent information. Either before or promptly after removal of vehicles hereunder, a diligent effort shall be made to give the owner written notice at the last known address thereof, and the owner, or a lien holder may redeem the same upon payment of reasonable costs incident to the removal, storage, and location of owner. Upon failure to redeem the vehicle in a reasonable time, or should the owner be unknown, and unascertainable after diligent search, and after the designated officer or person has held the vehicle not less than thirty (30) days, the same may be sold at public, or private, sale, the proceeds to be paid into the general fund of the city.

If any owner of a motor vehicle shall permit the designated officer to remove the same to the area designated in Section 5, the officer shall make a record only of the description of the vehicle, and any evidence of ownership possessed by the owner, and may thereafter dispose of the vehicle, as herein provided. PROVIDED, however, that should it reasonably appear to the designated officer that any vehicle removed is so dilapidated, and in a

ginous condition, that the same is junk, and beyond practical repair, he shall include in his description of the vehicle such a finding, and may proceed forthwith to have the same demolished, crushed, or treated and sold as scrap metal, if it has value; if none, then kept or stored at some selected and inconspicuous place kept and maintained by the city for such purpose.

Section 5. Violation of the provisions of this Ordinance shall constitute a misdemeanor as the same has been defined in the City Code.

Section 6. Be it further ordained that if any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional, the same shall not render invalid the remaining portion thereof, but the same shall remain in full force and effect.

Section 7. This Ordinance will be effective fifteen days after its passage as provided by law.

I move the adoption of the foregoing Ordinance, this 6 day of April, 1967.

W. F. Algary
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 20 day of April, 1967, to become effective 5 day of May, 1967.

E. W. Eller
MAYOR

APPROVDD AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

In connection with this ordinance the City Manager reported that many citizens are turning in titles of old cars in order to have them removed, and this is evidence that the ordinance is going to be effective and help this unsightly problem.

Ordinance No. 556, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 46 SOCO STREET AND OWNED BY ERNEST E. ABBOTT ET UX, MARY SUE ABBOTT", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 557, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 176 SOUTH LIBERTY STREET AND OWNED BY ARNOLD R. HENSLEY ET UX, EILEEN HENSLEY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 558, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 88 CENTRAL AVENUE AND OWNED BY G. J. METCALF ET UX, MINNIE M. METCALF, was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

In connection with this ordinance the City Manager reported that a permit was issued today in the amount of $3,000.00 to bring this house up to standard , pointing out that the ordinance is bringing results and should still be enacted.

In connection with the complaint of Mr. Sanford Brown filed last week, the City Manager reported that the claim was considered as an application for an Occupancy Permit, and that a Temporary Permit for thirty days had been issued, in order that the property might be brought up to standard.

The City Manager reported that notice had been received that the U. S. Department of Housing and Urban De-

velopment would not recertify the City's Workable Program for Community Improvement until the Housing Code is amended to fix a minimum bedroom size at 70 square feet for one person and an additional 50 square feet for each additional adult, the housing code amendment adopted by the Council and recommended by the Asheville Board of Realtors not having been found acceptable. The City Manager recommended that the Corporation Counsel be instructed to draw up an amendment to the Housing Code in order to bring it up to HUD requirements. The City Manager further advised that HUD also wants the city to encourage greater citizen participation in the workable program and improving housing conditions, but that this will be handled as an administrative matter.

Councilman Algary moved that the Corporation Counsel be instructed to prepare such amendment, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that a letter had been received from the Metropolitan Sewerage District of Buncombe County regarding sewer service charges in order to meet debt service for this facility, and advising that the facility will begin operation June 1st. The City Manager further advised that the Council should give consideration, along with other water distribution companies or municipalities in the county, such as Woodfin, Weaverville, Black Mountain and Biltmore Forest, to amending water service ordinance to levy 45% of water bill for sewer service charge, and that the Corporation Counsel be instructed in drawing said amendment to identify the billing for water and the billing for the sewer service charge separately, which ordinance should be considered by the Council within the next week or so in order that it might become effective by June 1st.

Councilman McRary inquired if the City Water Department would be paid for this additional work, and the City Manager advised that the city has a contract with the Metropolitan Sewerage District providing for a collection charge. The City Manager further advised that the test of whether a sewer service charge is to be made is whether or not the consumer is connected to the sewer system.

Councilman Morgan moved that the Corporation Counsel be instructed to prepare the necessary amendment to the water ordinance, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Algary discussed the matter of septic tanks, stating he did not believe there were proper safeguards on putting down such tanks, and that this is a state-wide problem and the legislature should be requested to strengthen such regulations.

The City Manager pointed out that the city's policy in annexed areas that do not have sewer system is to have sewer system extended where property owners participate in the cost; and that outside of the corporate limits under state law the County Commissioners, upon the initiative of property owners, can have a district created.

Dr. H. W. Stevens, County Health Officer, informed the Council that he had written to our representatives in the legislature and the State Sanitary Engineer asking for enabling legislation to authorize the County Commissioners to require a permit for each building to be erected in the county, and a requirement for issuance of such permit being the filing of a plat showing the building in question would have adequate sewage disposal, either a septic tank on sufficient ground to absorb the sewage or showing a connection to a public sewage system.

The City Manager advised that the Wage Review Board, after considerable study, recommends that the minimum wage be raised to $1.40 an hour for daily laborers, and that police officers and firemen be paid a minimum wage of $4,719.00 annually, and that as seniority is gained the Council consider a 10% increase within the discretion of their supervisors; and that the Council use a 10% maximum as a guideline in considering salary increases for administrative personnel, clerical and other salaried workers.

The City Manager further advised that within the next ten days department heads will be considering budgets for the new fiscal year, and without objection from the Council these recommendations would be included in the proposed budget to be later considered by the Council.

Councilman Algary expressed approval of the Board's recommendations.

The City Manager advised that a proposal has been made to consolidate the Air Pollution Control Division of the City of Asheville with a Regional Air Pollution Control Project to serve the counties of Buncombe, Henderson, Transylvania and Haywood; that the Advisory Board would continue to operate; that the estimated cost for the first year would be $76,000, of which $51,000 would be supplied by the U. S. Public Health Service, $10,000 by Buncombe County and $15,000 by the City of Asheville; that after three years the city would phase out financially; that the regional project would enforce city ordinances and regulations; and that seems to be a wise approach to the air pollution and smoke abatement problem.

Following a discussion, Councilman Morgan introduced a resolution approving the consolidation of the Air Pollution Control Division of the City of Asheville with the Regional Air Pollution Control Project, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 82.

The City Manager advised that the Community Projects Committee of the Asheville Rotary Club had recommended several citizens to serve as an Advisory Board for the Asheville-Buncombe County Youth Council, and that a resolution had been prepared appointing said Advisory Board.

Councilman McRary then introduced a resolution appointing an Advisory Board for the Asheville-Buncombe

County Youth Council, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #5 at page 83.

The City Manager advised that an agreement had been reached with W. S. Harrison and wife to lease certain lots on Eagle Street adjoining the lot the city already has under lease on Marjorie Street at a monthly rental of $, that said lots will park 50 cars, and recommends the development of this facility.

Councilman Sumner then introduced a resolution authorizing Mayor to execute lease with W. S. Harrison and wife, Beulah L. Harrison, for operating off-street parking facility by city, which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 84.
Copy of lease will be found attached to original resolution.

The City Manager recalled that under the City's lease with the Carolina Power and Light Company regarding the lake frontage at its steam generating plant property owners are given the right to lease their own frontage and this has been done on many occasions, and Mr. Haywood Plott has now expressed such a desire.

Councilman Algary then introduced a resolution authorizing City Manager to enter into lease agreement with owner of property fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 85.
Copy of lease will be found attached to original resolution.

Councilman McRary suggested that the city work out a plan whereby people could use water during the summer months for various beautification projects at a single established rate.

The City Manager pointed out that while there is plenty of water at the source the problem would be one of distribution, and that it would not be possible to permit unlimited use of water without creating a new distribution system.

Councilman Algary then proposed that some method might be found to average a customer's summer water consumption and base the new sewer charge on that during the hot weather months, while charging the regular monthly water rate.

The City Manager pointed out that certain commitments were made in the bond election, and that this matter would have to be studied by the Corporation Counsel and the attorney for the Metropolitan Sewerage District to see if this is advisable.

The Corporation Counsel was requested to confer with Mr. Redmond on this matter.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, April 27, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 27, 1967, at 4:00 o'clock P. M. with Mayor E. W. Roller presiding. Present Councilmen F. M. Mulvaney, C. E. Morgan, I. W. McRary, T. P. Sumner, City Manager Weldon Blair and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved, except Councilman Sumner requested that the minutes of the previous meeting be amended to indicate that he abstained from voting on the motion regarding preparation of an amendment to the Housing Code.

A request was received from Herbert H. Bosworth that a portion of Lot 70, Sheet 11, Ward 2 be rezoned to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Fairview Men's Club requesting that the city water line along U.S. 74 be extended approximately one half mile from its present termination.

The City Manager advised that in the expansion program of the city water system a storage reservoir had been constructed in this area, and there was sufficient water to comply with the request

The request was referred to the City Manager for development of a report.

Ordinance No. 556, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 46 SOCO STREET AND OWNED BY ERNEST E. ABBOTT ET UX, MARY SUE ABBOTT", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 556

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO REMOLISH THAT HOUSE KNOWN AS 46 SOCO STREET AND OWNED BY ERNEST E. ABBOTT ET UX, MARY SUE ABBOTT

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Ernest E. Abbott and wife, Mary Sue Abbott located at 46 Soco Street is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said owners and to Edna Beachboard Robinson, Kenneth Beachboard and Mary R. Hembree, mortgagees of record to said property, and a hearing has been held by the Agent of the Building Inspector on the 27th day of February, 1967 at 2:30 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Ernest E. Abbott and Mary Sue Abbott on the 3rd day of March, 1967, to Edna Beachboard Robinson on the 4th day of March, 1967, to Kenneth Beachboard on the 4th day of March, 1967, and to Mary R. Hembree on the 3rd day of March, 1967, and that said owners have not complied with the order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 46 Soco Street and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the order of March 1, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 46 Soco Street, owned by Ernest E. Abbott and wife, Mary Sue Abbott and known for tax purposes as Lot 17, Sheet 3, Ward 3.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 13 day of April, 1967.

T. B. Sumner
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1967, to become effective the 12 day of May, 1967.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 557, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 176 SOUTH LIBERTY STREET AND OWNED BY ARNOLD R. HENSLEY ET UX, EILEEN HENSLEY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 557

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 176 SOUTH LIBERTY STREET AND OWNED BY ARNOLD R. HENSLEY ET UX, EILEEN HENSLEY

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (a) charging that that certain property owned by Arnold R. Hensley and wife, Eileen Hensley located at 176 South Liberty Street is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said owners, and a hearing has been held by Chester R. Howell, mortgagee of record to said property and a hearing has been held by the Agent of the Building Inspector on the 6th day of February, 1967 at 3:00 o'clock P.M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Arnold R Hensley and Eileen Hensley on the 14th day of February, 1967 and to Chester R. Howell on the 13th day of February, 1967, and that said owners have not complied with the order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 176 South Liberty Street and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the order of February 9, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 176 South Liberty Street, owned by Arnold R. Hensley and wife, Eileen Hensley and known for tax purposes as Lot 30, Sheet 2, Ward 2.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to vacate and close the dwelling house located on the premises aforesaid, and cause to be posted on the main entrance thereof a placard with the following words: "This building is unfit for human habitation, the use or occupation of this building for human habitation is prohibited and unlawful."

I move the adoption of the foregoing ordinance, this 13 day of April, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1967, to become effective the 12 day of May, 1967.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 558, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 88 CENTRAL AVENUE AND OWNED BY G. J. METCALF ET UX, MINNIE M. METCALF", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 558

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO VACATE AND CLOSE THAT HOUSE KNOWN AS 88 CENTRAL AVENUE AND OWNED BY G. J. METCALF ET UX, MINNIE M. METCALF

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (a) charging that that certain property owned by G. J. Metcalf and wife, Minnie M. Metcalf located at 88 Central Avenue is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said owners, and a hearing has been held by the Agent of the Building Inspector on the 30th day of January, 1967 at 3:00 o'clock P.M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to G. J. Metcalf and Minnie M. Metcalf on the 10th day of February, 1967, and that said owners have not complied with the order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 88 Central Avenue and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the order of February 6, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 88 Central Avenue, owned by G. J. Metcalf and wife, Minnie M. Metcalf and known for tax purposes as Lot 122, Sheet 4, Ward 2.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to vacate and close the dwelling house located on the premises aforesaid, and cause to be posted on the main entrance thereof a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

I move the adoption of the foregoing ordinance, this 13 day of April, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1967, to become effective the 12 day of May, 1967.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager reported that, while a building permit had been issued for repairs to this property, no work has yet been accomplished.

The City Manager advised that the Corporation Counsel had prepared an ordinance complying with the requirements of the U. S. Department of Housing and Urban Development regarding bedroom space, that in enforcing this ordinance the city's officer on substandard housing would determine the number of persons who can sleep in a house prior to issuing occupancy permits, and such permits would be issued only for a specified number of persons, which should be of help to landlords because it would prevent renters from overcrowding the dwelling. The City Manager further pointed out this amendment is necessary if the city's workable program is to be recertified, and that recertification is necessary if persons displaced by governmental action, such as condemnation, road building, etc., are to continue to be eligible for 100 per cent loans.

Miss Fannie McCoy spoke against enactment of the amendment.

Councilman Sumner stated that the amendment wasn't needed since the urban renewal was voted down, and there would be plenty of time to do this later if it was needed, and further that he resented being dictated to by Washington and Atlanta.

Mr. Tom McCurry of the Home Builders Association of Western North Carolina also spoke against the amendment, contending that FHA minimum standards for low cost housing are already being complied with, and that the amendment would increase the cost of housing.

Mr. Harold Talbert, president of the Asheville Board of Realtors, also spoke against the amendment.

Following the discussion, Councilman Morgan introduced Ordinance No. 559, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE FOR MINIMUM SIZE OF BEDROOM SPACE OF THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "no"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that an ordinance adopting a schedule of rates and charges to be collected by the City on behalf of the Metropolitan Sewerage District has been prepared, advising that this schedule complies with a resolution adopted by the Metropolitan Sewerage District on September 3, 1965 under which the District sold bonds to construct the facility and committed itself that the fees would not be changed until January 1, 1969.

On the point of average water bill for summer use, the Corporation Counsel advised that there may be a possibility to work out some arrangement on credit for water that does not drain into the sewage system, but that this will have to be done by the Metropolitan Sewerage District, and said District has as yet made no such provision.

Miss McCoy again spoke against fluoridation of the public water supply.

The City Manager further advised that under agreement with the Metropolitan Sewerage District the city would receive for collecting and servicing sewage accounts a payment of $1.20 per billing customer per year, or about 10¢ per customer per month, which would be needed to employ additional personnel to handle this work, it being estimated that there will be about 25,000 accounts under this schedule, and about 4,000 accounts which are not connected to the sewer system.

Following the discussion, Councilman Mulvaney introduced Ordinance No. 560, being "AN ORDINANCE ADOPTING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF ASHEVILLE ON BEHALF OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan reported that he had received complaints about the enforcement of the dog control ordinance, particularly where children were concerned.

The City Manager stated a conference would be held with the officers concerning their procedures.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 4, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 4, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Dr. Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission reaffirming its recommendation that Lots 1, 1-1/4, 1-1/2, and 2, Sheet 14, Ward 5, request of Homer C. Smith, be rezoned from RA-6 Residential District to Roadside Area

May 3, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Homer C. Smith:

It was moved, seconded, and unanimously passed that the Commission reaffirm its recommendation of March 1, 1967, that Lots 1, 1-1/4, 1-1/2, and 2, Sheet 14, Ward 5, be rezoned from RA-6 Residential District to Roadside Business Area.

Sincerely yours,

s/ Anthony Redmond
Anthony Redmond,
Secretary

AR:mr

A letter was received from the Planning and Zoning Commission recommending that a ten-foot strip on the northern margin of Lots 141, 142, and 142-1/4, Sheet 6, Ward 5, request of Atkins-Harper Lumber Company, be rezoned from RA-6 Residential District to Commercial District.

May 3, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Atkins-Harper Lumber Company:

It was moved, seconded, and unanimously passed that the Commission recommend that a ten-foot strip on the northern margin of Lots 141, 142, and 142-1/4, Sheet 6, Ward 5, be rezoned from RA-6 Residential District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:mr

The City Manager advised that the procedure would be for the Council to fix a date for a public hearing, and authorize the City Clerk to advertise notice thereof, and suggested the date of May 25th for said hearing.

Councilman Algary moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission, and that the Clerk give notice and publication of a public hearing on same to be held May 25, 1967, said motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lot 107, Sheet 14, Ward 6, requested by Mrs. Bobbie Banner.

May 3, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mrs. Bobbie Banner:

It was moved, seconded and unanimously passed that the Commission recommend that Lot 107, Sheet 14, Ward 6 (36 Mace Avenue) remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:mr

This was received as information by the Council.

A letter was received from Kenneth A. Partin, President of the Home Builders Association of W. N. C., requesting that the second reading of Ordinance No. 559, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE FOR MINIMUM SIZE OF BEDROOM SPACE OF THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE", be postponed until May 11th.

Councilman Crouch moved that the second hearing of this ordinance be postponed until May 11th, which motion was seconded by Councilman McRary and unanimously adopted. Horace Smith thanked the Council for this action.

Ordinance No. 560, being "AN ORDINANCE ADOPTING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF ASHEVILLE ON BEHALF OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch Voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Miss McCoy spoke against the sewer charge, high water rates, and fluoridation.

Councilman Algary stated that putting the sewer charge on the water bill was probably the most logical method of collection, but was poor psychologically because many people would consider this as an increase in the water rates.

The City Manager stated that approximately 400 million gallons of water flow in the French Broad River daily through the City of Asheville, and once this water is cleaned up new industrial sites will be provided that will more than pay for the cost of the sewage facility now being put into operation.

The City Manager advised that since the original lay-out of the Airport property several years ago it had become necessary to amend the city's lease with A & H Flying Service, since a hangar of said company was encroaching upon a public right-of-way, and the amended lease simply corrects the description of the leased property.

Councilman Mulvaney then introduced a resolution authorizing Mayor to execute Amendment to Lease with A & H Flying Service, Inc. to correct the description of the leased property as it relates to a sixty foot right of way service road, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 86.
Copy of lease will be found attached to original resolution.

The City Manager presented the Audit for the City of Asheville Board of Alcoholic Control for the period ending March 31, 1967.

The City Manager advised that all department heads and administrative personnel will have a meeting on Monday at 2:00, at which time budgets will be discussed, and preparation of proposed budgets begun, looking toward presenting same to the Council in June.

The City Manager presented the statement showing the budget position of the city for the period ending April 30, 1967.

Councilman Algary introduced a resolution reappointing City Manager as ex officio member of the Western North Carolina Regional Planning Commission, and prescribing such membership as an additional duty of the City Manager, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 87.

Councilman Sumner asked that a list of vacant houses in the East Riverside Urban Renewal Project be prepared, and asked that action be taken on compulsory demolition or repair of same.

The City Manager stated that he would follow up on this request, but that due process would have to be followed.

Miss McCoy spoke against urban renewal.

Councilman Sumner stated he was glad to see that the number of low-rent apartments for the elderly had been reduced.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY CLERK

Thursday, May 11, 1967 - [illegible] P. M.

The City Council met in regular session Thursday, May 11, 1967, at [illegible] P. M. with Mayor E. W. [illegible] presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Robert P. [illegible], F. M. Mulvaney, T. P. [illegible], City Manager Weldon Weir, and Corporation Counsel O. E. [illegible], Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Al Rodgers requesting that his property in Ward 7, shown on plat [illegible] be rezoned to Neighborhood Trading area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Home Builders Association of W. N. C. advising that a study and analysis had been made of the proposed Ordinance regulating floor space in bedrooms, and that the Board of Directors has voted to favor the ordinance, and recommends that it be passed.

Mr. A. C. Carver, Jr. expressed opposition to the passage of the ordinance, and Mrs. Helen R. Gray questioned enforcement as it applied to home owners who occupy their own homes. Miss Jessie McCoy also spoke in opposition.

Councilman Sumner again opposed the passage of the ordinance, stating he did not like to receive orders from Washington or Atlanta as to the passage of local measures.

Mr. Tom McCurry, of the Home Builders Association of W.N.C. urged the passage of the ordinance.

Following the discussion, Ordinance No. 559, being "AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE MINIMUM SIZE OF BEDROOM SPACE OF THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE", was, upon motion Councilman Morgan, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 560, being "AN ORDINANCE ADOPTING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF ASHEVILLE ON BEHALF OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 560

ORDINANCE ADOPTING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF ASHEVILLE ON BEHALF OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina has established certain rates, fees and charges for the use of the services and facilities furnished by the sewage disposal system to be paid by subscribers to the public water supply of the City of Asheville who discharge into the public sewage; and

WHEREAS, the City of Asheville as one of the political subdivisions within the Metropolitan Sewerage District of Buncombe County is obligated to collect such sewage disposal charges from its subscribers, and then pay the same to the Metropolitan Sewerage District of Buncombe County;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The City of Asheville Water Department is hereby directed to bill subscribers of the city public water supply system, who discharge sewage into the public sewage system, the following fees and charges and rates as sewage disposal charges:

	Amount of water used per month - Gallons	Sewage Disposal Charge per 1,000 Gallons
Minimum	2,250	$1.15(1)
Next	27,750	0.46
Next	170,000	[illegible]
Next	200,000	0.23
Next	2,500,000	0.12
Next	2,000,000	0.07
Next	3,000,000	0.05
Over	8,000,000	0.03

(1) Total monthly charge including use up to 2,250 gallons.

Section 2. Said sewage disposal charge shall be added on the monthly bill rendered by the City Water Department and separately denominated as "Sewage Disposal Charge", and the same shall be paid at the same time and in the same manner as is the charge for water.

Section 3. This ordinance shall be effective June 1, 1967.

[illegible] ordinance, this 27 day of April, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

[illegible] read, the 11 day of May, 1967, to become effective 1st day of June, 1967.

E. W. Eller
MAYOR

[illegible]
Margaret Simmons
CITY CLERK

The City Manager called attention to the Civil Service Act, which requires that the Council appoint a Director and one member each two years, and that said Act also provides that within ten days after the Council appointments is given to employees under classified service that an election will be held for the election of a member by said employees, and that those four members elect a fifth member.

Councilman Morgan moved that Mr. John L. Huntsman be appointed Chairman and Mr. J. William Hendon be appointed a member of the Civil Service Board, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that due to highway construction in connection with the North Hanover Connector, the State Highway Commission has requested that the city enter into an agreement on the relocation of water and sewer facilities.

Councilman Mulvaney introduced resolution authorizing Mayor to enter into agreements with the North Carolina State Highway Commission to relocate and eliminate conflicts with City of Asheville water and sewer facilities due to construction of State Highway Project 8.1904802, construction project 8.3191102, from 1700' west of Hanover Street bridge along Patton Avenue east, to and including the approach to the Smoky Mountain Bridge, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 88.
Copy of contract will be found attached to original resolution.

Miss Fannie McCoy again spoke against fluoridation, and made a complaint concerning a water bill for a R. C. Wells, 70 Wells Cove Road.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 18, 1967 - [illegible] P. M.

[illegible] Thursday, May 18, 1967, at 4:00 o'clock P. M. with Mayor E. W. [illegible] J. Mulvaney, C. E. Morgan, W. F. Algary, T. R. Sumner, J. W. McRary, City [illegible], Jr.

[illegible] read and approved.

[illegible] hearing of 47 feet on Riverside Drive for $4000 a front foot [illegible] Inc.

[illegible]

[illegible] of the amendment to the Housing Code relating to the size [illegible]

[illegible] ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE FOR MINIMUM SIZE OF [illegible] THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ", was, upon motion of Councilman [illegible] its third and final reading with the following vote:

Councilman McRary voted "no"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 559

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE II, TO PROVIDE FOR MINIMUM SIZE OF BEDROOM SPACE OF THE HOUSING CODE OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, Ordinance #545, adopted October 12, 1966 made provision for various changes in the Housing Code

[illegible] ordinance relative to the [illegible] Department of [illegible] now located [illegible] by the Council [illegible] Department of [illegible]

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE

That [illegible] of Ordinance #545 be and the same is hereby amended, and that [illegible] of said Ordinance be

[illegible] That sub-section (2) of sub-section (A) [illegible] of the Code of [illegible]

(2) [illegible] not more than one [illegible] for each [illegible] feet of [illegible] or more [illegible] of fifty (50) feet [illegible]

Section 2. The remaining sections of Ordinance #[illegible] are not affected by this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after the [illegible] of final passage.

Read through the adoption of the foregoing ordinance this 27 day of April, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 18 day of May, 1967, to become effective 2 day of June, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

[illegible]
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that a privilege tax ordinance placing the schedule of fees in effect during the [illegible] fiscal year had been prepared.

Councilman Algary stated that Schedule B, License Taxes, of the General Statutes of North Carolina provide for restaurants on a seating capacity basis only; that restaurants of the drive-in type have very little, if any, seating capacity; that drive-in restaurants contribute to the spread of litter on the highways, and he thought it only right that they should assume their share of the tax burden.

Councilman Algary then moved that the Council go on record as asking our representatives in the General Assembly to consider an amendment to Schedule B, License Taxes, of Article 2 of Chapter 105 of the General Statutes of North Carolina which would provide a minimum fee for each parking place in drive-in restaurants, which motion was seconded by Councilman Sumner and unanimously adopted.

Ordinance No. 561, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1967 AND ENDING JUNE 30, 1968", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yes"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The Corporation Counsel explained that in the widening of Haywood Road certain rights-of-way were negotiated, an agreement was made, subject to Council approval, that a quit-claim deed would be made to Thomas L. Thrash for the [illegible] defaulted tax interest in a lot at Mimosa Drive in exchange for an easement across an adjoining lot.

Councilman McRary then introduced a resolution directing the Mayor to execute quitclaim deed to Thomas L. [illegible], which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.
Complete copy of resolution will be found in Resolution Book [illegible] at page [illegible].

In regard to the offer to purchase the property on Riverside Drive, the City Manager advised that a resolution was prepared authorizing the City Manager to advertise said property for public sale on June 21, 1967.

Councilman Algary stated that money received from the sale of land should not be put into the general fund, should be set up as a separate account and used for park and playground purposes.

The City Manager advised that all such money is subject to Council appropriation, and that the sale of property puts same back on the tax books.

Councilman Sumner then introduced a resolution authorizing City Manager to advertise for public sale certain property on Riverside Drive, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 90.

The City Manager advised that the State Highway Commission had requested a right of way agreement in connection with State Highway Project 8.1900202, for which the Commission will pay the City the sum of $2,670.00 and construct at its own cost a rest area on property near the Asheville Airport to serve travelers along I-26.

C[illegible] that The Co[illegible] install telephones at rest stops for use by [illegible]

[illegible] thereupon introduced a resolution authorizing Mayor to enter into right of way agreement with [illegible] in connection with State Highway Project 8.1900202, which was, upon motion of [illegible], unanimously adopted

[illegible] be found in Resolution Book #5 at page 91.
[illegible] attached to original resolution.

[illegible] be had a partial list of vacant and dilapidated houses in the area [illegible] 37 houses are vacant, dilapidated and in process of being condemned.

Councilman McRary discussed the ruling of the Metropolitan Sewerage District that property owners who [illegible] laws and which will not empty into said District lines would have to install [illegible] stating in his opinion this was a terrible charge to put on an individual.

The City Manager [illegible] that the City Council lacks authority to set the regulations for the Metropolitan [illegible] but that this matter ought to be reviewed as the service goes into effect.

Mr. McCrary [illegible] high water rates and the use of fluoride in the public water supply.

Councilman McRary discussed the recent election at which a school supplement tax was defeated, stating he would like to see the Council go on record, and so advise our representatives in Raleigh, that a sufficient tax be levied on [illegible] such as tobacco, whiskey and bottled drinks by the crate, to take care of the complete operation of schools and pay the teachers throughout the state without the necessity of a supplement tax.

Councilman McRary then moved that the state take over full operation of schools, including teachers' [illegible] that all [illegible] be put to be discontinued, which motion was seconded by Councilman Algary.

Councilman [illegible] suggested that a competitive salary scale be set up in this state for teachers comparable with other states.

[illegible] the above motion was unanimously passed, and the City Clerk was directed to send [illegible] to Raleigh.

Councilman Morgan discussed the importance of thoroughfare planning, including one-way streets. In the [illegible] he pointed out that such planning should be implemented in a reasonably short time.

Councilman Algary stated that an adequate bus system would help solve this problem.

The City Manager reported that he had recently attended a conference here conducted by the advanced planning staff of the State Highway Commission, at which a proposal to make North and South Lexington Avenue between [illegible] at the east-west expressway and extending to South Avenue one-way for southbound traffic [illegible] its juncture with Southside and Lexington north to Pack Square and continuing across the [illegible] to its juncture with Merrimon Avenue one-way for north bound traffic. The City Manager also reported that discussion was had on the north-south throughway from an extension of Charlotte Street across the Urban Renewal area [illegible] the City-County plaza to link up with Valley Street and thence south to tie into the junction [illegible] but it was felt that immediate concern was for the new pair of one-way streets. The City Manager advised that he expects the project to be returned to Raleigh for development of plans, and then it will be brought before the City Council at an early date.

There [illegible] business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 25, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 25, 1967, at 4:00 o'clock P. M. with Vice Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, Director of Public Safety Carl B. Hyatt, Jr., and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 561, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1967 AND ENDING JUNE 30, 1968", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The Vice-Mayor announced that today is the date set for the public hearing on the requested rezoning of the [illegible] Smith property in Ward 5 and a ten foot strip of the Atkins-Harper Lumber Company property in Ward 5, both of which have been recommended by the Planning and Zoning Commission and due advertisement has been published.

Mr. Charles Lee, attorney for Homer Smith, announced he was present to speak in favor of the ordinance if there was any opposition.

There being no opposition, Councilman Morgan introduced Ordinance No. 562, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Councilman Sumner introduced a resolution electing member of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 92.

Councilman Morgan introduced a resolution appointing two members to the Library Board of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Councilman Sumner suggested that the County assume a greater share of the library cost.

Complete copy of resolution will be found in Resolution Book #5 at page 93.

Mr. Hyatt advised that the city had been looking for an area to be used as a sanitary land-fill in the years [illegible], and that a lease had been negotiated with the Wachovia Bank and Trust Company, Trustee, for certain property which is suitable for this purpose. Mr. Cocke explained the terms under which the property is being leased, and pointed out the location on a map.

Following the discussion, Councilman Sumner introduced a resolution authorizing and directing Mayor and City Clerk to execute lease with Wachovia Bank and Trust Company, Trustee, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 94.
Copy of lease will be found attached to original resolution.

Mr. Jack Barfield spoke to the Council on the need of new sources of revenue, and endorsed the 1966 tax study report of the Asheville Chamber of Commerce which recommended: elimination of state intangible tax, a statewide tobacco tax to be returned to cities and counties on some equitable basis, a gasoline tax of one-half of one cent to be returned in its entirety to cities on an equitable basis, an increase of cities' share of utility franchise tax from three-fourths of one per cent to three per cent of gross receipts collected within the cities; and urged the Council to seek this new revenue from the General Assembly.

Councilman Algary stated that the City Council does not have unlimited discretion in what new sources of revenue it can turn to, and compared the tax rate of Asheville with the nine most populous cities in North Carolina, noting that only two cities in the state have a lower tax rate. Councilman Algary further stated that the Council has recently asked the legislature to amend the license and fee statute regarding drive-in restaurants, and advocated the state assuming full responsibility for schools and the discontinuance of the supplement tax for school purposes.

Mr. Horace Smith suggested that the Council distribute a questionnaire to city taxpayers and take a poll on what citizens think should be done about taxes.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

CITY CLERK

Thursday, June 1, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 1, 1967 at 4:00 o'clock P. M. with Mayor Earl W. [illegible] presiding. Present: Councilmen J. W. McRary, Frank M. Mulvaney, W. F. Algary, R. P. Crouch, T. B. Sumner, Clarence Morgan, City Manager Weldon Weir and Public Works Director Philip G. Cocke, Jr.

The minutes of the previous meeting were read and approved.

A letter from Major General Webster Anderson asking that City Council reconsider original petition for rezoning of property on Horizon Hill between Colonial Place and Sandon Drive Extension to RA-10 to a category [illegible] was presented to Council.

The request was referred to the Planning and Zoning Commission for further study and consideration.

A letter was received from Charles R. Bramwell and Walt Hannah requesting a Billiard Zoning for property [illegible] located in 900 block of Merrimon Avenue for purpose of opening a family billiard room.

City Manager advised there was no "billiard" zoning in this section and it would require an amendment to the Zoning Ordinance.

Councilman Sumner made a motion that such Ordinance be prepared to be presented to Council for consideration at its next regular meeting date, which motion was seconded by Councilman Crouch and unanimously adopted.

A letter from Williams, Williams & Morris, Attorney's for Broadway-North Market Street Better Business Association protesting suggested designation of Broadway and Lexington Avenue as one-way streets, with Broadway reserved for northbound traffic and Lexington for southbound traffic, was presented to Council, and requesting that this would seriously jeopardize all bussinesses operated by the Association, and that duly prepared petitions would be presented on this subject.

This was received as information by the Council.

Ordinance No. 561, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1967 and ENDING JUNE 30, 1968" was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 561

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1967 AND ENDING JUNE 30, 1968

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

SECTION 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the acts named, or selling, or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1967, to the thirtieth day of June, 1968, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by August 1, 1967, 5% per month, retroactive to July 1st, of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any part of the tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

SECTION 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferrable or assignable except by the consent of the City Manager.

SECTION 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is propsed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, propriator, manager, or other person, interested in or connected with such business,

give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, Or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Manageries.
9. Phrenologists. (Prohibited.)
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

SECTION 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance of such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter placed, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers	$ 1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	1,000.00
7. House Movers	500.00
8. Taxicabs	500.00

SECTION 5.

That whenever the word "person", is used in this ordinance, the same shall be construed to include "firms", "companies", "corporations", and "associations."

SECTION 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or years, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after July 1, 1967 and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of business, and an additional license tax shall be paid in accordance.

SECTION 7.

When any business is begun after January 1, 1968, the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

SECTION 8

The adoption of the schedule of license tax shall not abride the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

SECTION 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

...ance shall be subject to revocation or suspension for a period ... City Manager, without refund of any part of the tax paid, if the licensee or manager ..., or employees, shall violate any ordinance or law relative to such business, ..., by the command of the City Manager, the licensee does, by reason of the manner ... immoral, constitute a nuisance or is a menace to good order or to public ..., or ... Appeal from the revocation or suspension of such such license, it shall be ... granted to continue to conduct such business. Any person, ..., shall pay a penalty of fifty ($50.00) dollars. Each day such ... suspension or revocation of license, shall constitute a separate offense.

SECTION 12.

... duty of the Director of Finance to see that the Solicitor of the Police Court ... of all annual license taxes for the fiscal year of 1967-1968, and it shall be the ... Police Court to issue warrants for all delinquents, and to prosecute as vigor- ... any tax found due the same to be paid or inflict a penalty as provided in this ordinance.

SECTION 13.

... person who shall violate any provision of this ordinance, or carry on any business, ..., or profession on which a license tax has been fixed, without having first paid the tax ... a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each ... shall be carried on shall constitute a separate and distinct offense.

SECTION 14.

... a license is issued, it is presumed that the location of the business or the kind of business ... is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or ... operated, the City Manager has the authority to revoke the license.

SECTION 15.

... LICENSE SCHEDULE, Section 15, of Ordinance No. 495 entitled "AN ORDINANCE LEVYING, ASSESSING, ... AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BE- ... JULY 1, 19... AND ENDING JUNE 30, 1968", as recorded in City of Asheville Docket 34 of the Minutes of the Proceedings of the Council at pages 451 through 582, and as same as recorded in City of Asheville Docket No. ..., Ordinances of the City of Asheville, at pages 299 through 340, be and the same is hereby adopted and ... and incorporated herein and made a part hereof as fully as if set out at length herein, together ... all amendments thereto.

SECTION 16.

Any person who shall willfully make any false statement in an application for license under any ... of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) ...

SECTION 17.

... all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; ..., that such repeal shall in no way affect any rights heretofore acquired for the collection of any ... heretofore made, or any right heretofore acquired for the collection of any taxes heretofore made, or any ... heretofore acquired under any ordinance of this city.

SECTION 18.

... this ordinance shall become effective July 1, 1967.

... the adoption of the foregoing ordinance, this the 18th day of May, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

... approved and adopted by the Council on first reading, 18 day of May, 1967, with all ... present voting "aye"; read, approved and adopted by the Council on second reading, ... May, 19..., with all members of the Council present and voting "aye"; and upon its third ... approved and adopted on the 1st day of June, 1967, with all members of the Council present voting ... ordinance shall become effective 1st day of July, 1967.

Earl W. Eller
MAYOR

Margaret Simmons
CITY CLERK

...:

...

Ordinance No. ..., being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING ... OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Morgan, seconded by ..., unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

... appreciation ... Mr. & Mrs. Wayne Rhodes for addi- ... 2½ Acres ... at W. T. ... Park ... Avenue

Councilman Morgan introduced a resolution expressing appreciation for the additional 2 and a half acres of land facing east side of Merrimon Avenue to be added to W. T. Weaver Park, donated by Mr. & Mrs. Wayne Rhodes, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #6 at Page 76.

...

The City Manager presented Budget Estimate covering General Government for the City of Asheville for the fiscal year 1967-1968, stating he was presenting budget requests from departments in sections, the others to be presented to Council on June 8th and 15th.

In checking appropriations asked by various agencies, Mr. Sumner said he would like to have an itemized statement from the Asheville Chamber of Commerce showing how the money appropriated from the City was spent since they are requesting a $25,000 increase in appropriations.

... Parking ...

City Manager advised that the City expects to open the paid parking lot at Asheville Airport on June 19th and presented a list of proposed charges.

Mr. Algary suggested putting a charge of 10¢ per hour on all parking, with a maximum charge of $1.00, stating that was the system used by most of the other cities. City Manager said his suggestion would be taken into consideration.

H. H. THOMS - ... Petition for ...

A letter from Harold H. Thoms, presenting petitions signed by approximately 3,000 registered voters in the City of Asheville was presented to City Council asking that an ordinance granting a franchise to the Thoms Broadcasting Companies, Inc. for the construction and operation of a community antenna cablevision system in the City of Asheville, and to provide for the submission of said grant to the qualified voters at an election for approval or disapproval. Mr. Thoms said the city would get 6% of the gross.

Mr. William Coxe, Attorney for Mr. Thoms, asked that the City pass an Ordinance that an election be held.

Councilman Crouch told Mr. Thoms he resented implications made about the City Council and City Manager in his pamphlets and ads.

The City Manager stated that election requirements of the City Charter required that this petition be referred to City Board of Election for certification.

Motion was made by Councilman Morgan to that effect, which motion was seconded by Councilman Sumner and unanimously approved.

...

Miss Fannie McCoy appeared before Council protesting water bills and proposed Building Code as related to bedroom inspection.

W. G. ... Avenue, ... School ... sidewalk; ... parking in ... spaces ...

W. G. Hutchinson appeared before Council asking that Merrimon Avenue be opened to accommodate four lanes of traffic since it had been widened for that purpose.

Mr. Hutchinson also complained of a broken sidewalk at the main entrance to Vance School and asked that it be repaired or replaced. He also criticized some government employees who leave their cars all day in metered spaces on the street and violate time limits. He mentioned particularly, the Bureau of Public Roads vehicles at the Arcade Building and State Highway vehicles.

There being no further business the meeting was upon motion adjourned.

MAYOR

... CITY CLERK

Thursday, June 8, 1967 - 4:00 o'clock P.M.

City Council met in regular session on Thursday, June 8, 1967 at 4:00 o'clock P. M. with Mayor Earl W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, R. P. Crouch, City Manager Weldon Weir, Corporation Counsel O. E. Starnes, Jr., Public Safety Director Carl B. Hyatt, Jr., and Public Works Director Philip C. Cocke, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. [illegible], being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 562

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in the Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS AREA:

Lots 1, 1-1/4, 1-1/2, and 2, Sheet 14, Ward 5

(b) That a ten-foot strip on the northern margin of Lots 141, 142, and 142-1/4, Sheet 6, Ward 5, rezoned from RA-6 Residential District to COMMERCIAL DISTRICT.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 25th day of May, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 8th day of June, 1967, to become effective _____day of _____, 1967.

Earl W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CITY ATTORNEY

Ordinance No. [illegible] - being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE PERTAINING TO POOL ROOMS AND BILLIARD HALLS" was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary Voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Mayor Eller voted "aye"

City Manager advised that in the interest of safety it was necessary, upon the recommendation of the Housing Officer and Building Inspector, to demolish two houses on State Street and one on Granada.

Ordinance No. 564 - being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 369 STATE STREET AND OWNED BY BUILDER'S SAVINGS LOAN COMPANY" was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary vited "aye"
Councikman Crouch voted "aye
Mayor Eller voted "aye"

[illegible] AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDER'S SAVINGS LOAN CO.

Ordinance No. 565 - being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDER'S SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Mayor Eller voted "aye"

[illegible] AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA STREET AND OWNED BY BUILDER'S SAVINGS LOAN COMPANY.

Ordinance No. 566 - being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA STREET AND OWNED BY BUILDER'S SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "Aye
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Mayor Eller voted "aye"

[illegible]

The City Manager presented the second section of department budget requests for the 1967-68 fiscal year covering Asheville Airport, Department of Public Safety, Land Management, Parks and Recreation. He stated the Water Department request and appropriations would be presented next week.

[illegible]

The City Manager presented the statement showing the budget position of the city for the period ending May 31, 1967.

[illegible] 1966-1967 [illegible]

Copies of Annual Report of the Civil Service Board for the fiscal year 1966-1967 were presented to City Council.

[illegible] One-Way

Mr. William C. Morris, Jr., Attorney for the Broadway-North Market Street Retail Business Association again appeared before Council protesting the proposed plan for making Broadway and Lexington Avenue one-way streets, and asking Council to reject the project if recommended by the State Highway Commission which they now have under consideration.

He presented Council with petitions signed by approximately 74 merchants on Market Street, Broadway and Lexington Avenue protesting the proposed designation. About a dozen merchants in this section were also present.

No comment or action was taken by Council.

[illegible]

Mr. J. Y. Jordon, Attorney, representing a group of restaurants and grocery stores in Asheville, requested City Council to repeal a 24 year old section of the Asheville City Code (Chapter [illegible], Article [illegible], Section 2-1) which prohibits the sale on premises that possess the necessary state license, of beer and wine on Sundays.

He stated the request was brought about by the North Carolina new brown-bagging law which permits drinking of hard liquor any day of the week.

No action was taken by Council on this request.

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 15, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 15, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible]

A letter was received from the Planning and Zoning Commission recommending no change on the zoning request of Mr. Al Rodgers.

June 14, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission took the following action on the request of Mr. Al Rodgers to rezone the back portion of his property from RA-6 to Neighborhood Trading:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned. The Commission feels that although the proposed use of the property in question would not be objectionable, other uses that are permitted in Neighborhood trading would be objectional in that location.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:jh

This was received as information by the Council.

A letter was received from the Planning and Zoning Commission recommending that the back portion of Lot 49, Sheet 11, Ward 8 be rezoned from RA-6 Residential to Roadside Business area, as requested by Mr. Herbert H. Bosworth.

June 14, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Herbert H. Bosworth:

It was moved, seconded, and unanimously passed that the Commission recommend that the back portion of Lot 49, Sheet 11, Ward 8, be rezoned from RA-6 Residential to Roadside Business area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:jh

Councilman Sumner moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending approval of a Site Plan for Sunset Apartments.

June 14, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached site plan shows the arrangement of buildings, drives, walks, and parking areas for a development known as Sunset Apartments. This 42 unit development is located off Old Haw Creek Road across from the Springtime Subdivision.

The Asheville Planning and Zoning Commission at their meeting today, reviewed this plan with respect to the Zoning Ordinance and Subdivision Regulations and gave approval to this plan.

It is recommended that this site plan be given final approval.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:jh

The City Manager advised that it would be necessary to hold a public hearing on this matter after giving fifteen days notice.

Councilman Sumner moved that a public hearing be held on said site plan, and that the City Clerk give notice of said hearing, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the City Board of Elections certifying the sufficiency of the petitions filed by Thoms Broadcasting Companies, Inc. requesting an election on a CATV vote.

City Board of Elections
Asheville, N. C.

June 13, 1967

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

This is to advise that on Monday, June 12, 1967, petitions for an election on a CATV vote were filed by Harold H. Thoms, Thoms Broadcasting Companies, Inc., with the City Board of Elections.

The Board of Elections has caused said petitions to be checked and verified, and hereby certifies that said petitions are sufficient, according to Article 12 of the Charter of the City of Asheville, based upon the following facts as determined by this Board:

1. The total number of all votes cast for members of the City Council at the next preceding municipal election was 77,827.

2. The total number of registered and qualified voters of the city required is fifteen per cent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election, or 1,668.

3. The total number of registered and qualified voters of the city verified is in excess of 1,700, as required by the City Charter.

Respectfully submitted,

S/ Edison Hill
Chairman, City Board of Elections

Mr. Harold H. Thoms, President of Thoms Broadcasting Companies, Inc. presented a check in the sum of ,750.00 to be deposited with the Treasurer of the City of Asheville pursuant to North Carolina Private Laws 1923, apter 16, Section 239 (Charter Appendix Article IX, Section 212) to defray the expenses of a special election at ich the Ordinance granting a franchise to Thoms Broadcasting Companies, Inc. is to be submitted to the qualified ters of the City of Asheville for approval, and Mr. Thoms suggested the date of July 25, 1967 for holding such ecial election.

The City Manager stated that, according to the City Charter, such election must be held within forty- e days, and that July 29th would be the latest date at which the election could be held, and advised of procedures cessary in the holding of such election.

Mr. Cocke, attorney for Mr. Thoms, then requested time for a short conference with the Corporation Coun- l.

The City Manager advised that following the request of Mr. J. Y. Jordan concerning the sale of beer and e on Sunday an ordinance had been prepared for consideration by the Council prohibiting wholesale deliveries of beer d wine to retail outlets within the corporate limits of the city from 11:45 P.M. on any Saturday until 7:30 A.M. on e following Monday, and permitting the sale of beer and wine from 11:45 P. M. on any Saturday until 7:30 A.M. on the llowing Monday in any Grade A. and Grade B. Restaurants as designated by the State Board of Health, in any bona fide cery store holding a North Carolina "off premises" beer and wine license, and at any sporting event where an admis- n is charged and a beer license is issued, and at no other place.

Councilman Algary discussed the proposed ordinance and suggested that the ordinance be amended to permit e sales from noon Sunday to 7:30 A.M. the following Monday.

Councilman Sumner questioned whether such an amendment would be worthwhile in view of the brown bagging

Following the discussion, Councilman Morgan moved that the ordinance be amended to permit the sales from on Sunday to 7:30 A.M. the following Monday, which motion was seconded by Councilman Algary, and adopted.

Councilman Sumner then introduced Ordinance No. 567, being "AN ORDINANCE REGULATING THE SALE AND DELIVERY BEER AND WINE ON SUNDAY", which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, passed on first reading with the following vote, with said amendment:

Councilman McRary voted "aye" — Councilman Crouch voted "nay"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. William Cocke, attorney for Thoms Broadcasting Companies, Inc., requested that a special election be d on granting a franchise to said corporation on Friday, July 28, 1967.

Councilman Algary then moved that a special election requested by petitions which have been certified by e City Board of Elections, the cost of which has been advanced by Thoms Broadcasting Companies, Inc., on the granting a franchise to Thoms Broadcasting Companies, Inc. be called for the 28th day of July, 1967, and that the City Board f Elections be so notified, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 563, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING

TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 564, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 369 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 566, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 565, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a request had been made for the city to accept the dedication of Mountainbrook Road as a public street.

Councilman Morgan introduced a resolution accepting the dedication of Mountainbrook Road as a public street, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 96.

The City Manager presented the third and last section of department budget requests for the 1967-68 fiscal year covering the Water Department, and advised that the Water Department seeks an appropriation of $3,111,565, which is an increase of $386,286 over the current budget of $2,725,279.

The City Manager advised that the total budget requests from all city departments amount to $9,887,881, which exceed the current year's budget by $1,537,434, and stated that revenue expected by the city government for the coming fiscal year from all sources, water sales, ad valorem property taxes, state kickbacks, sale of business licenses, etc., amounts to $8,559,997, leaving the budget out of balance in the amount of $1,327,800 if the Council decides to leave property taxes at current level of $1.35 per $100 assessed property values; and if Council grants the 10 per cent salary increase to municipal employees for the year beginning July 1st a tax increase of 15 cents will be necessary, plus cutting $1,021,824 in departmental requests from the budget.

In response to an inquiry from Councilman Algary, the City Manager stated that budget requests are not inflated and are based on facts and requirements for service.

Councilman Algary discussed the budget, and stated that instead of starting the budget session with talk of cuts, the Council should begin with the idea that if the city departments were provided with funds for all their requests the people of Asheville would get the kind of service they are looking for.

The City Manager stated that the next step in the budget drawing process is for a date to be fixed in two to four weeks for a conference at which City Council will make an item by item review of the departmental requests.

Councilman Algary suggested that public hearings be held on the budget.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 22, 1967 - 4:00 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 22, 1967, at 4:00 o'clock P. M. with Mayor E. W. ...er presiding. Present: Councilmen F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, ... Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled ...perty of Lee Holcombe" with a variance of 40 feet for a turnaround.

June 22, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Property of Lee Holcombe," dated June, 1967, and prepared by Smith ...Lefler Associates, shows the subdivision of property located on Rash Road, just off Johnston Boulevard.

The Asheville Planning and Zoning Commission at their regular meeting held June 14, 1967, granted preliminary approval to this plat. However, the turnaround radius at the end of Holcombe Drive is shown with a radius of only 40 feet; the subdivision regulations require a radius of at least 50 feet. Because of the small number of lots involved, the Commission felt that a 40 foot radius would be adequate. Therefore, the Planning and Zoning Commission recommends final approval and also recommends that a variance be granted for the reduced turnaround.

Sincerely,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:jh

Councilman Morgan moved that the above plat, with the variance, be approved by the Council in accordance ...the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 563, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING ...POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously ...sed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 563

...ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 7-27 of the Asheville Code of Ordinances as amended, be amended, as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. VI, as fol...

BILLIARD HALL DISTRICT NO. VI

BEGINNING at a point on the Western margin of Merrimon Avenue said point being the Southeastern corner of Lot ...432, Sheet 23, Ward 9; thence with the Western margin of Merrimon Avenue and including the following Lots No. 432, 431, ...and 18, Ward 9, Sheet 23, Buncombe County Tax Maps and being further described as Lot No. 3 and No. 4, Plat Book 30, ...ge 69 and that portion lying between the Western margin of Merrimon Avenue and Eastern edge of Beaver Lake as shown on ...t Book 19, Page 135. A Plat of said property dated 6-6-67 is hereto attached for reference.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 8 day of June, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 22 day of June, 1967, to become effective 7 day of July, 1967.

E. W. Eller
MAYOR

...ROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 564, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 369 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 564

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 369 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Byilders Savings Loan Company located at 369 State Street, West Asheville is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Builders Savings Loan Company and to A. G. Wilson, Process Agent for Builders Savings Loan Company, Annie G. Wilson McMahon, Scott Dillingham, Ellis C. Jones, Coleman Jones, and The Bank of Asheville, and a hearing has been held by the Agent of the Building Inspector on the 14th day of April, 1967 at 2:30 o'clock P.M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Builders Savings Loan Company, A. G. Wilson, Annie G. Wilson McMahon, Scott Dillingham and Coleman Jones, Trustee on the 27th day of April, 1967 and to Ellis C. Jones and The Bank of Asheville on the 26th day of April, 1967, and that notice of said Findings of Fact and Order has been given said Builders Savings Loan Company, A. G. Wilson, Process Agent for Builders Savings Loan Company, and all others claiming an interest in said property, by publication, and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 369 State Street, West Asheville and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 24th day of April, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 369 State Street, West Asheville owned by Builders Savings Loan Company, being Lot No. 6, Block "A" of Sky Harbor Subdivision, plat recorded in Plat Book No. 21, at page 43, in the Office of the Register of Deeds for Buncombe County, North Carolina, and known for tax purposes as Lot 177, Sheet 8, Ward 5.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 8 day of June, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 22 day of June, 1967, to become effective the 7 day of July, 1967.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 565, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 565

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 365 STATE STREET AND OWNED BY BUILDERS SAVINGS LOAN COMPANY

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964(A) charging that that certain property owned by Builders Savings Loan

Company located at 365 State Street, West Asheville is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Builders Savings Loan Company and to A. G. Wilson, Process Agent for Builders Savings Loan Company, Annie G. Wilson McMahon, Scott Dillingham, J. Scroop Styles, Ellis C. Jones, and The Bank of Asheville, and a hearing has been held by the Agent of the Building Inspector on the 14th day of April, 1967 at 2:30 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Builders Savings Loan Company, A. G. Wilson, Annie G. Wilson McMahon, Scott Dillingham and Coleman Jones, Trustee on the 27th day of April, 1967 and to Ellis C. Jones, William M. Styles, and the Bank of Asheville, on the 26th day of April, 1967 and that notice of said Findings of Fact and Order has been given said Builders Savings Loan Company, A. G. Wilson, Process Agent for Builders Savings Loan Company, the heirs at law or devisees of J. Scroop Styles, deceased, and all other persons claiming an interest in said property, by publication, and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 365 State Street, West Asheville and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 24th day of April, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 365 State Street, West Asheville, owned by Builders Savings Loan Company, being the western portion of Lot No. 1, Block "A" of Sky Harbor Subdivision, plat recorded in Plat Book No. 21, at page 43 in the office of the Register of Deeds for Buncombe County, North Carolina, and known for tax purposes as Lot No. 173½, Sheet 8, Ward 5, and more particularly described as follows: BEGINNING at a stake in the Southeastern intersection of Michigan Avenue and State Street in the City of Asheville and running thence in a Southeasterly direction with the Southern margin of State Street 50 feet, thence with a line parallel with the Eastern margin of Michigan Avenue in a Southerly direction 75 feet to a stake; thence parallel with the Northern line of Lot No. 3 in a westerly direction as shown on that certain plat recorded in the office of the Register of Deeds of Buncombe County, North Carolina in Plat Book 21, at page 43, 50 feet to a stake in the Western margin of Michigan Avenue. thence in a Northerly direction with the Western margin of Michigan Avenue 75 feet to the BEGINNING.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 8 day of June, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 22 day of June, 1967, to become effective the 7 day of July, 1967

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 566, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA AND OWNED BY BUILDERS SAVINGS LOAN COMPANY", was, upon motion of Councilman McRary, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 566

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 291 GRANADA AND OWNED BY BUILDERS SAVINGS LOAN COMPANY

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964(A) charging that that certain property owned by Builders Savings Loan Company located at 291 Granada, West Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Builders Savings Loan Company and to A. G. Wilson, Process Agent for Builders Savings Loan Company, Annie G. Wilson McMahon, Scott Dillingham, Ellis C. Jones and Coleman Jones, and a hearing has been held by the Agent of the Building Inspector on the 14th day of April, 1967 at 2:30 o'clock P.M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Builders Savings Loan Company, A. G. Wilson, Annie G. Wilson McMahon, Scott Dillingham and Coleman Jones, Trustee on the 27th day of April, 1967 and to Ellis C. Jones, Executor of the Estate of Alma (Mrs. C. E. Kennerly) deceased, on the 26th day of April, 1967, and that notice of said Findings of Fact and Order has been given said Builders Savings Loan Company, devisees of or claiming against the Estate of Alma (Mrs. C. E.) Kennerly, and all others claiming an interest in said property, by publication, and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 291 Granada, West Asheville and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 24th day of April, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 291 Granada, West Asheville, owned by Builders Savings Loan Company, being Lot No. 11, Block "H" of Sky Harbor Subdivision, plat recorded in Plat Book No. 51 at page 43 in the Office of the Register of Deeds for Buncombe County, North Carolina, and known for tax purposes as Lot 321, Sheet 8, Ward 9.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 8 day of June, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 22 day of June, 1967, to become effective the 7 day of July, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

In regard to the ordinance regulating the sale of beer and wine on Sunday, the City Manager advised that in order to conform to state law, it would be necessary to amend the ordinance to delete wine and change the hour from 7:30 the following Monday to 11:45 on Sunday.

Councilman Sumner then moved that Ordinance #567 be amended by deleting the words "and wine" wherever the same appear in said ordinance, and further amended by deleting the words "7:30 P.M. on the following Monday" in Sec. 4-2 of said ordinance and inserting in lieu thereof the words "until 11:45 P.M.", which motion was seconded by Councilman Algary and adopted.

Ordinance No. 567, being "AN ORDINANCE REGULATING THE SALE AND DELIVERY OF BEER ON SUNDAY", as amended, was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "nay"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the city had a tax title, but no other interest, in Lot 36, Sheet 11, Ward 3, and had used this property as a sanitary fill; that C. T. Day plans to build a warehouse and has agreed to pay up the taxes on the property and refund to the City the sum which the city paid for the tax title, thus putting the property back on the tax books, in exchange for a quitclaim deed from the city.

Councilman Mulvaney then introduced a resolution directing the Mayor to execute quitclaim deed to C. T. Day, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete resolution will be found in Resolution Book #5 at page 97.
Copy of deed will be found attached to original resolution.

The City Manager advised that the terms of Allmond H. Jones, Jr., Arthur York, and J. Y. Jordan, Jr. as members of the Boxing and Wrestling Commission for the City of Asheville would expire on the 26th day of June, 1967.

Councilman Crouch then introduced resolution appointing members of Boxing and Wrestling Commission for the City of Asheville, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 98.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1967-68, as prepared by the City Manager, advising that departmental requests exceed estimated income, and the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time is publication of Notice of Presentation of Budget Estimate, and suggested that the Council adopt a procedure to consider the budget in detail.

Councilman Algary moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, which motion was seconded by Councilman Mulvaney.

Councilman Algary stated he thought there should be a public hearing on the budget, in order that the people of the community could understand where income is derived and how it is to be spent, and proposed a night meeting of the Council where any interested citizens could offer criticism, hopefully constructive, of the budget.

Councilman Algary approved the 10 per cent wage increase for city employees, and further suggested a 10 per cent tax to be earmarked for capital improvements, such as equipment.

Councilman Algary discussed the need for a longer runway at the airport, the East Riverside Urban Renewal project, Civic Arts Center, new Library and Convention Center, for all of which state and federal funds are available [illegible]; suggested moving the zoo closer to the downtown area; and stressed the need for a positive approach to make Asheville an increasingly growing community.

Mayor Eller suggested that a night meeting of the Council be held on July 6th at 7:30, and that the regular meeting on June 29th be recessed until this time, to which suggestion the Council agreed.

Following the discussion the motion to publish Notice of Presentation of Budget Estimate was unanimously adopted.

The Metropolitan Sewerage District invited Council members to make a tour of the new disposal plant and sewer lines on Tuesday, June 27th, leaving the City Hall at 10:00 a.m. and returning at approximately 4:30.

Mr. Robert Swain, representing a group of citizens in the Newbridge-Woodfin-Beaver Lake section, appeared before the Council with a petition signed by approxkmately 543 persons protesting the use of the old W. T. Weaver farm, recently leased by the city, as a sanitary landfill.

Also speaking for said petitions were Reverend Paul Justice, pastor of the Newbridge Baptist Church, and the president of the Woodfin Community Center.

Mayor Eller thanked the delegation for bringing this matter to the attention of the Council.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, June 29, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 29, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, R. I. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Malcolm D. Abernethy requesting that the portion of Thurland Road adjoining the property of Clifford E. Abernethy be abandoned by the city.

The City Manager explained the procedure to be followed in the closing of an unopened street, and this request was referred to the City Manager for investigation and report.

- -

Councilman Sumner stated he understood there had been a ruling from the Attorney General's office regarding the authority of Counties and Municipalities to regulate the sale of wine, and the City Manager presented a copy of said ruling, and suggested the word "wine" could be reinstated in said Ordinance as it was in the beginning.

Councilman Sumner then moved that the word "wine" be reinstated in said ordinance, which motion was seconded by Councilman Mulvaney.

There was a discussion on the motion, and Councilman Crouch read a prepared statement setting forth his reason for voting against the proposed ordinance:

"In the past week, several people have wondered why I have not made a statement concerning my voting against the proposed ordinance which will allow beer and wine sales on Sunday. I thought I might clarify my position and my reason for the negative vote. I have studied the Asheville ordinance and though it was enacted many years ago, it has been a good ordinance and has served the city well. I see no reason for a change. It has been mentioned that this law is inconsistent with the State law of North Carolina because the State of North Carolina does permit brown bagging on Sunday in restaurants. This does not mean, however, that as a city we are obligated to then permit the sale of wine and beer.

"The major reason I am opposed to this ordinance, even though the ordinance does provide some control, is the fact that I feel it is whittling away at another of our legal restrictions on the use of alcoholic beverages. This will increase the driving hazards on Tunnel Road and other parts of Asheville. It will increase the litter as suggested in the letter to the Editor in the paper this morning. I do not see that it can serve any good purpose in Asheville except economic benefit to the restaurant owners. As a churchman in this city and because of my own personal moral commitment, I feel the ordinance should not be passed and, therefore, will cast a negative vote today."

Mr. Mulvaney stated he was voting for the ordinance to make the city's stand consistent with the state brown-bagging law.

Mr. Bert Starnes, Mr. Don E. Taylor, Mr. Shelby Horton, and Miss Fannie McCoy spoke in opposition to the passage of the proposed ordinance.

Following the discussion a vote was taken on the motion to amend the proposed ordinance, those voting for the motion being Councilmen Sumner and Mulvaney, and those against being Councilmen Morgan, Crouch, McRary and Algary.

Ordinance No. 567, being "AN ORDINANCE REGULATING THE SALE AND DELIVERY OF BEER ON SUNDAY", was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, defeated on its third and final reading by the following vote:

Councilman McRary voted "no"
Councilman Mulvaney voted "aye"
Councilman Algary voted "no"
Councilman Crouch voted "no"
Councilman Sumner voted "yea"
Councilman Morgan voted "no"

The City Manager advised it would be necessary to adopt an Interim Appropriation Ordinance to take care of the expense of the city until the Appropriation Ordinance is adopted.

Councilman Crouch introduced Ordinance No. 568, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Crouch moved that the Charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 568, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 568, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 568

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1967 to the date of the adoption of the 1967-68 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1966-67 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1968-68 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1967-68 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 29 day of June, 1967.

Robert P. Crouch
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 29 day of June, 1967, to become effective 29 day of June, 1967.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that upon recommendation of the Housing Officer and Building Inspector, and after due process, ordinances had been prepared to demolish certain houses.

Councilman Morgan introduced Ordinance No. 569, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 128 and 128½ BILTMORE AVENUE AND OWNED BY ARTHUR LAWRENCE PHYSIOC", which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney introduced Ordinance No. 570, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 122 PINE STREET AND OWNED BY THE HEIRS AT LAW AND NEXT OF KIN OF [illegible] MARTIN, DECEASED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported that at the sale of the Riverside Drive property held on June 21, 1967 the [illegible] Equipment Company of Asheville, Inc. became the last and highest bidder in the amount of $26,900.00, which bid was not raised within the time allowed; Jerry V. Sternberg having submitted a bid of $25,300.00, and that it will be necessary to readvertise said property for public sale.

Miss Fannie McCoy presented petitions signed by some 1968 persons requesting the City Council to pass proposed ordinance repealing the ordinance providing for fluoridation of public water supply and prohibiting the addition of fluorides, calgon, and caustic soda to public water supply, or submit said proposed ordinance to the qualified voters of the City at an election, as provided for in the City Charter

Councilman Algary expressed the opinion that petitions are fine, but he thought there were too many elections being called, and that legislation should be enacted which would require a reasonable percentage of registered voters, probably 25%.

The City Manager stated he thought the State Board of Health may have to be consulted because the removal of calcon and caustic soda could violate the health agency's requirements.

Following the discussion, Councilman Crouch moved that these petitions be referred to the City Board of Elections for certification, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that the terms of office of members of the Board of Electrical Examiners and members of the Board of Examiners of Motion Picture Operators expire on June 30th.

Councilman Morgan then introduced resolution appointing members of Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 92

The City Manager advised that the terms of office of John W. Erichson and William M. Peyton as members of the Recreation Board for Asheville would expire on July 1, 1967.

Councilman Mulvaney then introduced resolution appointing members of Recreation Board for Asheville which was upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 100

There being no further business, the meeting was upon motion recessed until 7:30 P. M. on July 6, 1967.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 6, 1967 - 7:30 o'clock P. M.

The City Council met in adjourned session Thursday, July 6, 1967, at 7:30 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, and City Manager Weldon Weir.

A letter was received from Carl Vaughn, Executive Director of the Asheville Housing Authority, requesting the rezoning of Lots 206-1/4, 206-1/2, 207, 207-1/2, 208, 209, Sheet 2, Ward 4, and Lot 19, Sheet 5, Ward 4.

This request was referred to the Planning and Zoning Commission for study and recommendation.

On motion of Councilman [illegible], "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 12 and 12 BILTMORE AVENUE AND OWNED BY ARTHUR LAWRENCE PHYSIOC", was, upon motion of Councilman [illegible], seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

On motion No. 57, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 122 PINE STREET AND OWNED BY THE HEIRS AT LAW AND NEXT OF KIN OF NANNIE MARTIN, DECEASED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman McRary introduced a resolution appointing Substitute Judge of the Police Court of the City of Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 101.

The City Manager advised that today is the date set for a public hearing on the Site Plan for Sunset Apartments, and that due advertisement has been made of said public hearing.

Mr. Morgan, the developer, was present to speak in favor of said plan.

There was no opposition, and Councilman Morgan moved that the site plan entitled "SUNSET APARTMENTS" be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the request of Herbert Bosworth that the back portion of Lot 49, Sheet 11, Ward 8 be rezoned to Roadside Business Area, and that due advertisement has been made of said public hearing.

There being no opposition, Councilman Morgan introduced Ordinance No. 571, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager announced that this is the date set for a public hearing on the proposed budget, and gave a brief summary of the budget, which contains departmental requests based on demands for service, and which is on file in the office of the City Clerk for public inspection.

Councilman Sumner discussed the proposed 10% increase in wages recommended by the Wage Review Board, and suggested that city employees who make less than $6,000 receive the 10% increase; those making from $6,000 to $10,000 receive 5%; and those over $10,000 receive no increase. Councilman Sumner also stated the Council should have something to say about the way the Chamber of Commerce spends its appropriation.

Raymond McGee, spokesman for a delegation of Negro teenagers, asked the Council for a share of the budget for better education, job opportunities and recreation.

The City Manager and Mayor explained to the group that the Council does not appropriate funds for city schools, which are under the City Board of Education, and suggested that the Human Relations Council would be the appropriate agency to work on improving the young people's job opportunities.

The Mayor requested the delegation to write out their requests in the form of a letter and present it to the Council.

Mrs. Nell Stroup suggested that a referendum be held on increasing property taxes, and Miss Fannie McCoy spoke against higher taxes and fluoridation.

Mr. David Moore and Mr. W. G. Hutchison asked several questions about various items in the budget, and these items were explained in detail by the City Manager.

Mr. Fred Rodenbeck of the Keep Asheville Beautiful Committee spoke in support of the Council leaving intact the proposed public works appropriation for street cleaning, sanitation and garbage disposal.

Mayor Eller thanked those who attended the meeting.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, July 13, 1967, 2:30 P. M.

The City Council met in regular session this day, July 13, 1967, at 2:30 P. M., the Mayor, E. W. Eller, presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. P. [illegible], J. V. McRary, C. A. Morgan, Jr., and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Mary E. Wilder protesting [illegible]. The letter was received as information.

A request was received from Asheville-Biltmore College, Inc. and The Christian School Association of Asheville, Inc. to close Virginia Avenue from its western end to the point at the corner of the southeast corner of Tract No. 1 of property owned by the Christian School Association of Asheville, North Carolina.

The City Manager explained the procedure to be taken in closing a street, and this request was referred to the City Manager for report.

A letter was received from the City Board of Elections advising that the petitions heretofore referred to the Board regarding removal of fluoride, caustic soda and calcon from the public water supply did not contain a sufficient number of names as required by the City Charter, and the Board was unable to certify same for an election on the question.

CITY BOARD OF ELECTIONS
Asheville, N. C.
July 8, 1967

City Council,
City of Asheville,
Asheville, N. C.

Re: Petitions to remove fluoride, caustic soda and calcon from the public water supply

Gentlemen:

Enclosed please find the following petitions in regard to the above:

Number of sheets partially complete - 2
Number of sheets complete on one side - 83
Number of sheets complete on two sides - 1

Total number of petitions 176

Your Board authorized the undersigned Chairman to employ such persons as necessary to properly certify that the required number of registered voters in the City of Asheville had or had not signed the said petitions.

The undersigned thereafter employed Mrs. Katherine A. Coffey and Mrs. Lenoir Swicegood to work with the seventeen city Registrars in verifying these names. The Registrars brought their books, which they had in their possession because of the CATV election registration, to the City Council Chamber and thoroughly checked each signature against the books, and, in order to be assured that each person signing was or was not a registered voter, compared, when the person's name was in doubt or when the street address was in doubt, the names of those shown in the 1967 City of Asheville Directory, and the precinct map for the City of Asheville regarding an incorrect or almost illegible street address.

The report certifies:

Total number of registered voters who signed petitions - - - - - - - - - - 1161
Total number of non-registered persons who signed petitions - - - - - - - 756
Total number of illegible signatures - - - - - - - - - - - - - - - - - - - 20
Total number of persons who were for any other reason not found or not qualified to sign petitions - 38

Please be aware that inasmuch as there was not a sufficient number or even close to sufficient number of registered voters who signed the petitions we did not require a certification regarding the duplication of signatures on several sheets which we found, nor a verification regarding the signing of more than one name by one person, as evidenced by the exactness in handwriting. You are, of course, aware that the law requires each person to individually sign a petition, and for that reason should these petitions be re-submitted to us we would count only one name when it appeared that the same handwriting had signed more than one name.

Inasmuch as the Charter requires at this time 1668 registered voters to sign such a petition and that number of qualified voters have not so signed the petition we are unable to certify it to you for an election on the question.

Should you have any questions our Board will be most happy to appear and try to answer them for you.

Respectfully submitted,

S/G.Edison Hill
Chairman, City Board of Elections

Miss McCoy was present, and was advised that, under the City Charter, she has ten days or until 9:00 A.M. July 24, 1967 to amend said petitions by securing additional names.

...the Director of the State Health Department should determine if a pote... ...the water ... and ... from the public water supply.

...that the cost of holding an election, and stated those interested in taxe... ...the ...

...ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH ... ...LITHOGO AVENUE AND OWNED BY ARTHUR LAWRENCE PHYSIOC", was, upon motion of C... ...duly passed on its third and final reading with the follow...

...voted "aye" — Councilman Sumner voted "yea"
...Mulvaney voted "aye" — Councilman Morgan voted "aye"
...Crouch voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 569

...ING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 122 AND 12... ...OWNED ...

...

...in accordance with Article 15, which is ... ...Complaint and Notice of Hearing has been issued by the A... ...(A) charging that that certain property owned by Arthur ... ...violation of The Housing Code in that ... ...hearing was given to Arthur Lawrence ... ...Martin, Lucia Martin, Carl W. Greene, and Cary ... ...and a hearing has been held by the Agent ... ...P.M., and attached hereto is a copy of the ... ...Building Inspector, and reference to the same is hereby ...

...Complaint and Order were delivered by registered mail to Arthur ... ...day of May, 1967, to the Estate of Martha Webster Physioc, on the 15th day of May, 1967, and that Carl W. Greene, Attorney for Lake Carro... ...Complaint and Order on the 10th day of May, 1967; and that said owners ... ...and the Building Inspector has advised the Council that he has personally ... ...Asheville, and finds no evidence or indication that there ... ...the property at this time and finds no evidence that the Order ...

...the Council that the Housing Officer and Agent of the Building Inspector ha... ...The Housing Code of the City of Asheville in such matters provided ...

...IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

...Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed ... ...Section 15 of the Code of the City of Asheville with respect to that ... ...Asheville, owned by Arthur Lawrence Physioc, lying and being ... ...the City of Asheville, and bounded and more particularly described as follows: ... ...the East margin of said South Main Street (now Biltmore Avenue), at the Northwest corner ... ...(not described) and runs thence Eastwardly with the North line of said Atkins lot ... ...a distance of about 125 feet; thence with the said West margin of said Market Street ... ...with the said West margin of said Market Street, at its intersection with a line ... ...on the North side of the said Atkins lot and 50 feet North of same; thence Westwardly in a line parallel ... ...said Atkins lot about 125 feet to the said Eastern margin of said South Main Street (now ... ...Avenue); thence with the said Eastern margin of said South Main Street (now Biltmore Avenue), Southwardly ... ...to the BEGINNING, being a portion of the land described and conveyed in a deed from S. C. Weldon et ux, ...bearing date of the 17th day of January, 1894 and registered in the office of the ... ...County in Book 90, at page 82 et seq. of the Record of Deeds to which reference is ... ...for description as Lot 24, Sheet 5, Ward 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the ... ...of the dwelling house located on the premises aforesaid, and otherwise comply with the provi... ...Housing Code.

...the adoption of the foregoing ordinance, this 29 day of June, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 13 day of July, 1967, to become effective the 28 day of July, 1967.

APPROVED AS TO FORM

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 570, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 122 PINE STREET AND OWNED BY THE HEIRS AT LAW AND NEXT OF KIN OF NANNIE MARTIN, DECEASED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

...voted "aye" — ...Sumner voted "yea"
...Mulvaney voted "aye" — ...Morgan voted "aye"
...Crouch voted "aye" — ...Eller voted "aye"

ORDINANCE NO. ...

...DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE ... ...AND NEXT OF KIN OF NANNIE MARTIN, DECEASED

...

WHEREAS, ...ceedings have heretofore been instituted in accordance with ... ...Code of the City of Asheville, in which a Complaint and Notice ... ...Inspector is provided in Section 960 (A) charging that that ... ...of said Nannie Martin, Deceased, located at 122 Pine ... ...for human habitation, following which ... ...Nannie Martin, Deceased, and to all ... ...and to Mr. [illegible] by registered letter ... ...the Building Inspector on the 3rd day of May, ...Housing Officer and Agent of the Building Inspector ... ...with the said Complaint and

WHEREAS, ...appears that notice of said ... ...of Nannie Martin, Deceased, and to all ... ...registered letter ... the 15th day of May, ...and the Building Inspector has advised ... ...at 122 Pine Street ... ...and finds ... ...made ...

THEREFORE, ...by the Council that the ... ...Housing Officer and Agent of the Building Inspector ...

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. That the Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed ... ...Section 15 of the Code of the City of Asheville with respect to that ... ...Asheville, owned by the heirs at law and next of kin of Nannie Martin, Deceased, lying and being ... ...the City of Asheville, and bounded and more particularly described as follows: ... ...the East margin of South Main Street (now Biltmore Avenue), at the Northwest corner ... ...(not described) and runs thence Eastwardly with the North line of said Atkins lot ... ...a distance of about 125 feet; thence with the said West margin of said Market Street ... ...with the said West margin of said Market Street, at its intersection with a line ... ...on the North side of the said Atkins lot and 50 feet North of same; thence Westwardly in a line parallel ... ...said Atkins lot about 125 feet to the said Eastern margin of said South Main Street (now ... ...Avenue); thence with the said Eastern margin of said South Main Street (now Biltmore Avenue), Southwardly ... ...to the BEGINNING, being a portion of the land described and conveyed in a deed from S. C. Weldon et ux, ...bearing date of the 17th day of January, 1894 and registered in the office of the ... ...County in Book 90, at page 82 et seq. of the Record of Deeds to which reference is ... ...for description as Lot 24, Sheet 5, Ward 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the ... ...of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of ... ...Housing Code.

...the adoption of the foregoing ordinance, this 29 day of June, 1967.

...
COUNCILMAN

SECONDED BY: ...
COUNCILMAN

Read, approved and adopted, this 13 day of July, 1967, to become effective the 28 day of July, 1967.

APPROVED AS TO FORM

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

...
CITY CLERK

Ordinance No. 571, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ... OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

The Mayor stated in order to meet the Workable Program requirements he was appointing the following citizens to the Citizens Advisory Committee and the Sub-Committee to Study Minority Housing Problems:

CITIZEN'S ADVISORY COMMITTEE: William Algary, Chairman; Morton Cohn; Harwood Strom; Luther B. Thigpen; Lee; Robert Frantz; Frank M. Dennis; Manly E. Wright.

SUB-COMMITTEE TO STUDY MINORITY GROUP HOUSING PROBLEMS: Mrs. Suzanne Peake, Chairman; Joseph Belton; Rita Lee; Mrs. C. G. Pickard; Coleman Zageir; Dr. Allen Gardner; Alfred Miller; Raymond B. Stepp; Joe M. Bland; L. Ripple; Glenn F. Crawford; Mrs. Melvin H. Taylor.

The City Manager advised that, without objection from the Council, the date of Monday, July 24th, would be set as the date for the Council to review the budget in conference, and would then be in position to consider the budget for first reading on July 27th.

The City Manager advised that the Sanitation Department has attempted to carry out the recommendations of the Eco. Adv. Committee in collecting garbage by the tub method, but that with the equipment available the cost of this has proved to be uneconomical because of the amount of over-time work required, and beginning July 17th the old method of collection will be resumed.

A letter was received from the Planning and Zoning Commission recommending the rezoning of lots in the Haywood Hill area from RA-6 to RA-10.

July 12, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the Commission took the following action on the Webster-Anderson request to reconsider a petition of December 7, 1966, to rezone that part of the Haywood Hill area from RA-6 to RA-9 or RA-10:

It was moved, seconded, and unanimously passed that the Commission recommend that the lots in the Haywood Hill area be rezoned from RA-6 to RA-10.

More specifically, the properties involved are:

City Block Sheet 5, Lot Numbers 95, 96, 96-1/4, 97, 98, 99, 100, 101, 104, 104-1/4, 104-1/2, 104-3/4, 122, 122-1/4, 122-1/2, 123, 124, 124-1/2, 137, 138, 139, 140, 140-1/4, 141, 142, 142-1/2, 142-3/4, 143, 144, 145, 158, 164, 165, 166, 166-1/4, 167, 168, 168-1/4, 169, 170, 171, 171-1/4, 171-1/2, 171-3/4, 172, 175, 175-1/4, 176, 177, 177-1/4, 178, 193, 194, 195, 196, 197, 198, 199, 201, 202, 207, 208.

Sincerely,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

Councilman Sumner moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

Mrs. Lillie McCoy read a letter protesting higher taxes, and suggesting the elimination of certain items in the budget.

Councilman Algary stated that he favored a 60¢ tax increase, which taxes would be seed money to attract more Federal, State and Federal funds to complete various projects under consideration and make Asheville a progressive and growing city, and that people should stop talking about taxes and start talking about making an investment in our city.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 20, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 20, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. F. Algary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the regular meeting were read and approved.

Ordinance No. 571, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading, with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO.

AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map referred to and adopted by Section 2 of Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and the same is hereby amended in the following respects:

That the property hereinafter described as being in the area referred to under this section of this ordinance as the Haywood Hill area, and as shown on the Asheville Zoning Map dated [illegible] and bearing the signature of the Mayor and City Clerk and the seal of the City, be and the same is hereby changed from RA-6 to RA-10, and that the Asheville Zoning Map be changed to conform to this change. The property affected by this change is described as follows:

All of those lots in City Block Sheet 5, Lot Numbers 95, 96, 96-1/4, 97, 98, 99, 100, 101, 104, 104-1/4, 104-1/2, 104-3/4, 122, 122-1/4, 122-1/2, 123, 124, 124-1/2, 137, 138, 139, 140, 140-1/4, 141, 142, 142-1/2, 142-3/4, 143, 144, 145, 158, 164, 165, 166, 166-1/4, 167, 168, 168-1/4, 169, 170, 171, 171-1/4, 171-1/2, 171-3/4, 172, 175, 175-1/4, 176, 177, 177-1/4, 178, 193, 194, 195, 196, 197, 198, 199, 201, 202, 207, 208, as shown on the City Tax Maps.

Section 2. That the effective date of this ordinance shall be [illegible]

Section 3. That the [illegible] of the City [illegible] any section or subsection of this ordinance is held unconstitutional or void, the remaining provisions of this ordinance shall not affect the validity of the remaining portions thereof, it being the intent of the Council that it would have passed this ordinance and each section and subsection thereof irrespective of the fact that any one or more sections or subsections may be declared unconstitutional or void.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That this ordinance shall become effective upon the [illegible]

MAYOR

CITY CLERK

Thursday, July 27, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 27, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Clerk advised that Miss Fannie McCoy had, within the time required by the City Charter, filed additional petitions re the PROPOSED ORDINANCE REPEALING THE ORDINANCE PROVIDING FOR FLUORIDATION OF PUBLIC WATER SUPPLY, AND PROHIBITING THE ADDITION OF FLUORIDES, CALGON, AND CAUSTIC SODA TO PUBLIC WATER SUPPLY, and said additional petitions were presented to the City Council.

The City Manager advised that the procedure would be to forward said petitions to the City Board of Elections for certification.

Councilman Morgan asked if a determination had been made by the State Board of Health regarding the proposed elimination of calgon and caustic soda to the public water supply, and the City Manager advised that no action would be taken until it had been determined whether or not said petitions were sufficient to call such an election.

Councilman Mulvaney moved that said petitions be referred to the City Board of Elections for certification, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that, as a result of the budget conference held on Monday, an ordinance had been prepared, and was ready for consideration by the Council.

Mr. Jack Barfield stated that he approved of the budget, but urged the Council to work for General Assembly enactment of new revenue sources as has been recommended by a tax study committee of the Asheville Chamber of Commerce.

Mr. H. A. Haseltine and Miss Fannie McCoy stated they were opposed to the proposed tax increase, and Mrs. Sol F. Berney suggested that if a more thorough search were made of Buncombe County Board of Tax Supervision records to find real property that has been unfairly or inadequately assessed the city might be able to glean enough extra revenue from changes in assessments to make the tax raise unnecessary.

Miss Paulette Irby, spokesman for a delegation of Negro teenagers, presented the Council with a written request for a half a million dollar youth center which would include counseling services and a recreation program.

The City Manager, in commenting on Mr. Barfield's suggestion, stated that new sources of revenue would have to be permissive by the State Legislature, and he thought eventually more sources will be made available by the Legislature. The City Manager explained the procedures of the Board of Tax Supervision in regard to appraisals of real property; and in regard to the teenager request the City Manager advised that a resolution requesting the Buncombe County Planning Council to assume the responsibility of creating the post of Human Relations Coordinator had been prepared, said Coordinator to assist in problems of this nature.

Councilman Sumner stated that he could not support certain items in the budget, specifically the appropriation to the Chamber of Commerce since said Chamber had not met the request to tell in detail how such funds would be spent; the salary raise to employees making over $9,500 a year, the 10% increase to those making between $6,000 and $9,500; and the $40,372 allotment for the second golf course, and also thought the library budget should be reduced.

Following the discussion, Councilman Morgan introduced Ordinance No. 572, being "AN ORDINANCE ADOPTING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1967-68", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Clerk then read a resolution requesting the Buncombe County Planning Council to establish the office of Human Relations Coordinator.

In the discussion on said resolution Councilman Algary stated a member of the Negro teenage delegation should be assured a seat on whatever committee works with the Human Relations Coordinator, and that other concerned groups should also be included.

Following the discussion, the said resolution was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 102.

In discussing the upcoming paving program, Councilman Sumner stated he did not request the paving of Sumner Place.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 3, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 3, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Buncombe County Planning Council in which said Council agreed to accept the responsibility of establishing an office of Human Relations Coordinator, but that since such a position had not been budgeted the Council would have to look to the City Council for financing this office.

Councilman Sumner suggested that the City Council instruct the City Manager confer with the Planning Council to see how much money is needed and report back to the Council.

Councilman Crouch so moved, which motion was seconded by Councilman Morgan.

The City Manager stated that he would not agree to any expenditure which did not fall within the budget, and rather than have any delay suggested that he confer with the Planning Council to the end of taking the necessary steps to employ a staff to carry on this function and let them go ahead.

Councilman Crouch and Councilman Morgan agreed to this amendment to the motion.

Councilman Sumner suggested that the City Manager confer with the County authorities to see if they wanted to join with the city in this expenditure, and the City Manager stated he would do this.

Following the discussion, the motion as amended was unanimously adopted.

A letter was received from the City Board of Elections regarding the petitions to remove fluoride, caustic soda and calgon from the public water supply certifying the petitions for an election on the question.

CITY BOARD OF ELECTIONS
Asheville, N. C.

August 2, 1967

City Council,
City of Asheville,
Asheville, N. C.

Re: Petitions to remove fluoride, caustic soda and calgon from the public water supply

Gentlemen:

Please find enclosed the original and additional petitions which you submitted to us on July 27th.

Your Board authorized the undersigned Chairman to employ such persons as necessary to properly certify that the required number of registered voters in the City of Asheville had or had not signed the said petitions.

The undersigned thereafter employed Mrs. Katherine A. Coffey and Mrs. Lenoir Swicegood to work with the seventeen city Registrars in verifying these names. They checked the petitions in the same manner as mentioned in our letter to you dated July 8th, and find that as regards the additional petitions there were an additional 759 registered voters who had signed the petitions. Our letter to you of July 7th reported a total of 1161 registered voters who had signed the original petitions. The total of these two is 1920 registered voters who have signed the petitions.

The Charter requires at this time 1668 registered voters to sign such a petition, and that number have signed the petitions. We hereby certify the petitions to you for an election on the question.

Should you have any questions our Board will be most happy to appear and try to answer them for you.

Respectfully submitted,

S/ G. Edison Hill
Chairman, City Board of Elections

The City Manager advised that upon certification of the petitions the City Charter required that an election be held within forty-five days, that the date of September 12th would fall within this period, and the Council could by motion fix this as the date of the election.

Councilman Crouch stated that since things other than fluoride were included in the petitions should the State Board of Health be consulted as to whether their removal was in violation of Board of Health regulations.

The City Manager stated that the State Board of Health had advised him that state health regulations require that calgon and caustic soda be applied to City of Asheville water supply for proper treatment of public water supply for the protection of the public and the water system itself; that chlorine is also required; that state regulations are silent on the question of fluoride, but it is recommended; that local ordinances cannot conflict with state requirements; and that this is the opinion of authorities of the State Board of Health, and the Attorney General.

Councilman Crouch moved that the date of September 12, 1967 be set for said election and that the proper steps be taken for the holding of said election, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Sumner discussed the question of whether or not if the election is called and the ordinance is repealed would the whole matter be null and void because of the inclusion of Calgon and Caustic Soda in the ordinance when they were not included in the original ordinance voted on two years ago, and whether Miss McCoy was aware of this.

Miss McCoy stated that the wanted the calgon and caustic soda removed from the water supply, and wanted this question voted upon.

The Corporation Counsel stated that it was made clear to Miss McCoy at the time he assisted in the preparation of the petitions that calgon and caustic soda were not included in the original ordinance, but that she insisted on this addition.

The City Manager stated that the question of what would happen if this proposed ordinance is approved, thus placing the city's rules in conflict with those of the State Board of Health, would be a matter for the courts to decide.

Councilman Crouch stated he thought consideration should be given to changing the part of the City Charter which makes it possible to call for an election with such a small number of signatures.

A letter was received from G. Edison Hill, Chairman of the Municipal Board of Elections, certifying the results of an election held on July 28, 1967 on the proposed ordinance and franchise to Thoms Broadcasting Companies, Inc.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

July 29, 1967

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Friday, July 28, 1967 an election was held upon a proposed ordinance and franchise in the City of Asheville; and

WHEREAS, certificates of result of said proposed ordinance and franchise were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A.M. on July 29, 1967; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for said special election; and

WHEREAS, the results of said election was published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the proposed ordinance and franchise election, and declaring the result thereof, together with sworn statement tabulating such returns.

Yours very truly,

S/ G. Edison Hill
Chairman

RESOLUTION RELATING TO THE CANVASSING
OF THE RETURNS OF THE SPECIAL ELECTION
HELD JULY 28, 1967, AND DECLARING THE
RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Special Election held on July 28, 1967 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said Special Election held in the City of Asheville on July 28, 1967 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for the ordinance and franchise and the number of votes cast against the ordinance and franchise.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Special Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, the number of legal ballots cast in each precinct for the ordinance and franchise and the number of legal ballots cast in each precinct against the ordinance and franchise, and the total of such numbers:

PRECINCT	FOR THE ORDINANCE AND FRANCHISE	AGAINST THE ORDINANCE AND FRANCHISE
1	40	70
2	219	154
3	190	137
4	495	133
5	533	107
6	283	141
7	184	76
8	59	28
9	76	84
10	39	233
11	33	82
12	63	80
13	63	117
14	65	79
15	181	158
16	181	133
17	304	79
TOTALS	3008	1891

Dated this 29th day of July, 1967.

S/ Edison Hill

S/ Eugene P. Coston

S/ Alan H. Shaw
Members of the Municipal
Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me, this 29th day of July, 1967.

My commission expires:
Jan. 6, 1968

(Seal)

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made by this Board it is judicially determined and declared:

(a) That at said election 3008 votes were cast for the proposed Ordinance and Franchise, and 1891 votes were cast against said ordinance and franchise, and that a majority of the qualified voters of said City who voted thereon at said election voted for said ordinance and franchise.

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Alan Shaw seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Edison Hill, Eugene Coston and Alan Shaw, and those voting against said resolution being None.

We, the members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the Municipal Board of Elections at a meeting held on July 29, 1967, said record having been made in Minute Book 4, beginning at page 94 and ending at page 97, and is a true copy of so much of the proceedings of said Board as relate to the passage of the resolution hereinabove set forth.

WITNESS our hands this 29th day of July, 1967.

S/ G. Edison Hill

S/ Eugene P. Coston

S/ Alan H. Shaw

ORDINANCE NO. ____.

AN ORDINANCE GRANTING A FRANCHISE TO THE THOMS BROADCASTING COMPANIES, INC., A NORTH CAROLINA CORPORATION, FOR THE CONSTRUCTION AND OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ASHEVILLE, AND TO PROVIDE FOR THE SUBMISSION OF SAID GRANT TO THE QUALIFIED VOTERS THERE AT AN ELECTION FOR APPROVAL OR DISAPPROVAL.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ASHEVILLE, NORTH CAROLINA,

That THE THOMS BROADCASTING COMPANIES, INC., a North Carolina Corporation, hereinafter at all times referred to as GRANTEE, or its successors be and it is hereby granted a franchise, right and authority subject to limitations imposed, to sell and supply individuals, firms and corporations, public or private, by the City of Asheville, hereinafter at all times referred to as the CITY, at any and all places within the corporate limits of the City of Asheville as said limits now are or hereafter at any time and times may be or be established, Community Antenna Television and Audio Communications Services.

For the purposes herein stated; and subject to an election herein provided:

1. The CITY grants to the GRANTEE, its successors and assigns, the right to erect, install, construct, reconstruct, replace, remove, repair, maintain and operate in or upon, under, above, across and from the street, avenues, highways, sidewalks, bridges and other public ways, easements, rights of way and lands, and as now existing and all extensions thereof and additions thereto, in the City of Asheville, all equipment, facilities, appurtenances, and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distribution by studios, cameras, projectors, recorders, antennas, transmitters, micro-waves, wires, cables, coaxial cables, wave guides and cables, of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional of every nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by community antenna television and audio communications services, in accordance with the laws of the United States of America, the State of North Carolina, and the City of Asheville.

2. This ordinance shall be effective as provided by law and the franchise granted shall be effective only after the same has been submitted at a special election to the qualified voters of the City and a majority of those voting upon the proposition have voted in favor of granting such franchise. This franchise shall be submitted to the qualified voters of the City of Asheville at a special election to be called and held according to law. Upon such approval and the certification of the City of Asheville of the returns from the election, and after the acceptance of this franchise by The Thoms Broadcasting Companies, Inc., said franchise shall continue in full force and effect for a period of thirty five (35) years from the acceptance.

3. The City releases the right or privilege to grant by franchise, permit or otherwise to any other person, firm or corporation at any time during the period of the franchise herein awarded by this ordinance the right or privilege to use and occupy any of its streets, alleys, public ways or places for the purposes granted The Thoms Broadcasting Companies, Inc. herein and/or its assigns.

4. The GRANTEE shall pay to the CITY an annual sum of money computed upon the gross monthly service charge received by the GRANTEE for providing the radio and television signals over the system within the limits of the City of Asheville as follows:

6% of the gross monthly service charges collected.

Such payment shall be deemed full compensation for use of CITY's property rights, services rendered, supervision and inspection of equipment and facilities.

5. Such annual sum shall be payable one-half thereof at the end of each semi-annual period. The semi-annual anniversary shall be the 30th day of June and the 31st day of December of each year and each semi-annual payment shall be paid within sixty (60) days thereafter.

6. The GRANTEE shall keep complete records of accounts showing dates and payments received and shall furnish a semi-annual accounting by a certified public accountant to CITY on payment dates as said dates are herein set out. The duly authorized agent of the CITY shall have the right, power and authority to inspect the gross monthly service charge records of the GRANTEE at the premises of the GRANTEE during the business hours of any work day.

7. In addition thereto, the GRANTEE shall file with the CITY's Clerk and shall keep in its local office, to be available for inspection by the City or any citizen a copy of the rules, regulations, terms and conditions adopted by the GRANTEE and in effect with its subscribers.

8. The GRANTEE shall furnish to the Board of Education of the City of Asheville one channel for its exclusive use to carry only educational information about the schools and programs of an educational nature without charge. The origination of such programs and material shall be the responsibility of the Asheville City School Board. Such programs

and material shall be subject to all rules and regulations of the Federal Communications Commission. Nothing herein contained shall be deemed to permit the carrying of any program which is in conflict with the broadcast standards of by the Federal Communications Commission. Final decision relating to the content of any program shall remain as a sole right of the GRANTEE who shall conform such programs to those rules and regulations of the Federal Communicati Commission as are applicable.

9. The GRANTEE will supply one free drop and all internal wiring to primary and secondary schools, fir stations, police stations and the City Hall located within the City. There shall be no monthly service charge for said service.

10. GRANTEE shall submit to the CITY the form of its service agreement between the GRANTEE and its sub scribers and shall furnish the CITY a full schedule of its charges to be paid by subscribers, before soliciting for subscribers within the City of Asheville and shall furnish by certified mail to the GRANTOR any amendments or alter tions in the service agreement or schedule of charges.

11. The GRANTEE may charge initially and for two years after the date the first 3000 subscribers have b connected and until any rate change is fixed otherwise in accordance with the provisions herein set forth in this par graph the following rates for its services:

Residential Rates	
Installation Charge*	
First 2000	$10.00
Next 1000	12.50
Thereafter	15.00
Monthly Service Charge	4.50
Additional Outlets	
Installation Charge (each)*	4.50
Monthly Service Charge (ea)*	1.00

Residential charges include all single dwelling units, multiple dwelling units where billing is made to each individual occupant, individual professional offices and restaurants.

Commercial Rates	
Installation Charge*	$15.00
Monthly Service Charge	4.50
Additional Outlets	
Installation Charge (each)*	4.50
Monthly Service Charge (each)*	1.00

Commercial charges include motels, hotels, mobile home parks, and all multiple dwelling and other business establishments where one billing is made to the owner for five or more single occupant units or outlets.

Other Rates

Charge for reconnecting a customer after disconnection for non-payment of amounts due or disconnected for convenience of the customer, will be $4.50. Charge for relocating outlets within a serviced unit will be $4.50.

*Additional charges, if any, for unusual circumstances, such as underground cable, or more than 200 feet of distance from cable to connection of service to subscriber will be charged at material cost plus labor cost of $5 per hour, minimum charge $10.00. Provided, however, that subject to the provisions herein in this section set forth the GRANTEE may voluntarily reduce its rates but that on the application of the GRANTEE for an increase of rates in order to fix a just and reasonable return to the GRANTEE to be charged customers for the services herein provided for the City Council shall upon satisfactory proof after haring or on application of any customer, increase or decrease the rates to equal a nationwide average of rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville; however, said decisions shall be for periods of at least three years.

12. The CITY hereby grants the right, privilege and authority to the GRANTEE to lease, rent or in any other manner obtain the use of towers, poles, lines, cables and other equipment, and facilities from any and all hol ers of public licenses and franchises within the corporate limits of the City of Asheville and to use such towers, poles, lines, cables and other equipment and facilities, subject to all existing ordinances and regulations of the City of Asheville.

13. The poles used for the GRANTEE's distribution system shall be those which are already erected, whe and where practicable, providing mutual satisfactory rental agreements can be entered into with the power and/or tel phone companies. The GRANTEE shall have the right to erect, install and maintain its own towers, poles, guys, anchors, underground cables and ducts as may be necessary for the proper construction and maintenance of the antenna site, head-end and distribution system, provided that poles, underground cables or ducts placed on municipal proper ties shall first have their location approved by City Engineer. Such permission shall not be unreasonably withheld.

14. All transmission and distribution structures, lines and equipment erected by the GRANTEE within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places.

15. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the GRANTEE shall, at its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good condition as before said work was commenced.

16. In event that at any time during the period of this agreement the CITY shall elect lawfully to alte or change the grade of any street, alley or public way, the GRANTEE, upon reasonable notice by the CITY, shall remov relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

17. The GRANTEE shall not place poles or other fixtures when the same will interfere with any gas, elec tric or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall b placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on sai street, alleys and public ways.

18. The GRANTEE, shall, on the request of any person holding a building moving permit issued by the GRANTOR temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary remov raising or lowering of wires shall be paid by the person requesting the same, and the GRANTEE shall have the authorit to require such payment in advance. The GRANTEE shall be given not less than five days advance notice to arrange for such temporary wire changes.

19. The GRANTEE shall have the authority to trim trees upon and over-hanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the GRANTEE, all trimming to be done under the supervision and direction of the CITY and at the expense of the GRANTEE.

20. The GRANTEE shall, during the existence of this agreement, furnish reasonable, adequate and efficient mmunity antenna reception service to the residents of the City wherever practicable and the GRANTEE agrees to maintain s system in reasonable repair and working order and provide adequate facilities for such maintenance. These requirements y be temporarily suspended by disaster or emergency conditions or other circumstances beyond the reasonable control of the NTEE.

21. The GRANTEE shall not, as to rates, charges, service facilities, rules, regulations, or in any other res- cts, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage pro- ded, however, this shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate hedules to which any customer coming within such classification shall be entitled.

22. No privilege or exemption is granted or to be inferred by this agreement except those specifically pre- cribed herein. Any privilege claimed under this agreement in any street shall be subordinate to any prior lawful occupancy the street.

23. The GRANTEE may sell or assign its right, title and interest hereunder to any firm, business or corpora- n provided that prior approval of such assignment shall be obtained from the Council of the City of Asheville which said proval shall not be unreasonably withheld. In the event of such an assignment, then immediately upon the delivery to the uncil of the City of Asheville of the aforesaid assumption agreement, duly executed by the assignee, all of the rights, ligations, privileges and liabilities herein granted to the GRANTEE shall forthwith devolve upon the assignee who shall all respects stand in the place and stead of the original corporation hereunder.

24. The GRANTEE's plant and equipment, including the antenna site, head-end and distribution system towers, uctures, poles, wires, underground cables and appurtenances shall be installed in accordance with good engineering prac- ces, and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated so not to endanger or interfere with the lives of persons or to interfere with the improvements the municipality may deem per to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. uction, installation construction, replacement, removal, repair, maintenance and operation of the system shall be in ac- rdance with the provisions of the National Electrical Code of the National Board of Fire Underwriters and such applicable ws of the State of North Carolina and applicable ordinances of this municipality which may now be in effect or enacted in the ture. All installations shall be of a permanent nature, durable and maintained in a safe, suitable and substantial condi- n, in good order and repair.

25. Any opening or obstruction in the streets or other public ways made by the grantee in the course of the nstruction, operation or removal of installations shall be guarded and protected at all times by the placement of adequate rriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by warning hts.

26. The GRANTEE shall develop its system as herein provided and offer service wherever practicable to every sident of the City of Asheville served by a public utilities of the City of Asheville including City water and sewage cilities, Carolina Power and Light facilities, Southern Bell Telephone and Telegraph facilities and Public Gas Service cilities.

27. The GRANTEE shall at all times comply with all rules and regulations of the Federal Communications Commis- n or any other duly authorized agency of the United States of America and any and all rules and regulations of said Fed- al Communications Commission or other duly authorized United States governmental agency shall immediately become a part nd in all manner and respects binding upon the GRANTEE.

28. The GRANTEE shall not at any time during the existence of the agreement engage in or in any manner or for cause Pay T. V. nor use or allow its CATV facilities to be used for Pay T. V. as that term is now understood.

29. The GRANTEE, its stockholders, partners or agents shall not engage in the business of selling or repairing levision or radio receivers in connection with its operation of its community antenna television and audio communications rvices.

30. The community antenna television and audio communications system shall be so designed, engineered and main- ined by the GRANTEE so as not to interfere with the television reception of residents of the CITY who are not subscribers its services.

31. The GRANTEE shall at all times defend, indemnify, protect and save harmless the City of Asheville from m against any and all liability, losses and physical damage to property and bodily injury or death to persons, including yments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replace- nt, removal, maintenance and operations of the GRANTEE's community antenna television and audio communications service, d resulting from or by any negligence, fault or misconduct on the part of the GRANTEE, its agents, officers, servants and ployees. GRANTEE shall carry public liability insurance for the protection of itself and the CITY. The GRANTEE shall ld the CITY harmless against damages resulting from legal action which may be brought against it in connection with the blishment and/or operation of the GRANTEE's community antenna system in the City of Asheville. The GRANTEE shall also y Workmen's Compensation coverage on its employees who are engaged in any manner in the erection, construction, replace- nt, repair, maintenance and operations of the GRANTEE's plant and equipment.

32. For the purpose of compelling compliance with their grant and franchise, and to secure efficiency of public rvices at reasonable rates, and the maintenance of the community antenna system in good condition during the full term of e grant, it is provided that failure of GRANTEE, or its successors or assigns to comply with any of the provisions of the nt, or default in any of its obligations hereunder, except for causes beyond the reasonable control of the GRANTEE, and all fail within thirty (30) days after written notice from the municipality to commence, and within a reasonable time, plete the correction of such default or non-compliance, the City Council shall have the right to revoke and declare rfeited this agreement and all rights of the GRANTEE hereunder. Provided however the GRANTEE has a period of thirty (30) nths from the date the Franchise has finally been adjudged effective, to furnish facilities for 5,000 subscribers and t complete such facilities within said period or sacrifice its Franchise. In the event the GRANTEE shall be adjudged krupt or placed in receivership, CITY may declare the special rights herein granted forfeited and terminated.

33. The terms and provisions of this ordinance and Franchise are subject to acts of God, public enemy, civil motion, strikes, impossibility of performance due to all matters and things over which the GRANTEE has no control.

34. If any section, subsection, sentence, clause, phrase or portion of this Ordinance held invalid or uncon- stitutional, such portion will be deemed a separate, distinct and independent provision and such holding shall not effect e validity of the remaining portions hereof.

I move the adoption of the foregoing ordinance.

_____
COUNCILMAN

SECONDED BY: _____
COUNCILMAN

Read, approved and adopted, this _____ day of _____, 1967.

PROVED AS TO FORM:

_____
CORPORATION COUNSEL

_____
MAYOR

_____
CITY CLERK

Councilman Morgan moved that the City Clerk record this ordinance as a part of the permanent records of the City, which motion was seconded by Councilman McRary and unanimously adopted.

Mayor Eller announced the appointment of Harold A. Talbert, Jr., Joseph W. Wilkins, L. S. Thomas, Samuel L. Quick, and William Cocke as additional members of the Citizens Advisory Committee's Sub-committee on Minority Housing.

Miss Fannie McCoy read a letter opposing the proposed tax increase.

Mr. W. A. Hutchison stated he was in favor of higher taxes for better city services, and inquired about an allotment of $86,000 to the Asheville Chamber of Commerce; and questioned the city's assuming an increased proportion of the $113,495 budget of the Western North Carolina Regional Planning Commission, the city's portion of this amount being $50,495.00.

The City Manager stated that the Council had approved $30,000 of the Chamber of Commerce allotment for use in industrial promotion, and the remainder of the allotment is to be spent in a manner to be worked out between a joint conference of chamber directors and City Council. The City Manager further advised that the city's part of the allotment to the Western North Carolina Regional Planning Commission will be used to match state and federal funds to provide for the upgrading of the thoroughfare plan to determine traffic patterns for the future.

In regard to additional revenue, the City Manager again stated that authority must be obtained from the legislature, and a tax on residents who work in the city and live in the suburbs is not permissive in North Carolina at this time.

Councilman Sumner again asked that the $40,000 allotted in the budget for the Richmond Hills golf course be taken out.

Mr. C. B. Branson asked about the wage increase, and was advised by the City Manager that the figure 10% is misleading because of a change of longevity policy in the Police and Fire Departments, the increase from $1.25 to $1.40, and additional manpower.

Mrs. Nell Stroup brought up the matter of franchise tax kickbacks recently enacted by the General Assembly, and State Representative C. E. Hutchins stated that the city can expect more, but this won't become effective until 1969.

Following the discussion, Ordinance No. 572, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1967-68", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the Metropolitan Planning Board has studied and reported its progress under the Workable Program for Community Improvement, and a resolution has been prepared requesting the Department of Housing and Urban Development to recertify the City's Workable Program.

Councilman Algary then introduced a resolution authorizing Mayor to request the Department of Housing and Urban Development to recertify the City's Workable Program for Community Improvement under the Federal Housing Act of 1954, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed with a dissenting vote by Councilman Sumner.

Complete copy of resolution will be found in Resolution Book #5 at page 103.

The City Manager advised that a resolution had been prepared establishing a systematic method in which the dwellings in Asheville are to be inspected for compliance with the Housing Code, said inspections to begin this month and continue through June, 1974.

Councilman Morgan then introduced resolution establishing a systematic Housing Code Compliance Program for Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 104.

Councilman Mulvaney introduced resolution appointing members to Citizens Action Committee on Beautification and Clean-Up, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 105.

The City Manager advised that in order to provide water and sewer service to a new location of North American Van Lines it was necessary to cross Southern Railway property.

Councilman McRary introduced resolution authorizing Mayor to execute on behalf of the city License Agreements with the Southern Railway System to construct sanitary sewer crossings and water pipe lines on certain railroad property, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 5 at page 106.
Copy of Agreement will be found attached to original resolution.

The City Manager advised that at the second sale of the property on Riverside Drive Farm Equipment Co. of Asheville, Inc. became the last and highest bidder in the amount of $33,600, and that ten days have elapsed since said sale and no raised bid has been received.

Councilman Sumner then introduced resolution directing Mayor to execute deed to Farm Equipment Co. of Asheville, Inc., which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 5 at page 107.
Copy of deed will be found attached to original resolution.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of certain property in the Horizon Hill area, which has been recommended by the Planning and Zoning Commission, and that notice of said public hearing has been duly published.

Mr. Thomas Dolan, attorney for Moneyworth, Inc., stated that Moneyworth had not been notified of the request before the Planning and Zoning Commission held a hearing on the matter and recommended the rezoning; that Moneyworth purchased the property with the objective of constructing apartments there, and it is still the intention of Moneyworth to erect apartments on the site; and requested the Council to take no further action on the matter.

Because Moneyworth was not represented at the Planning and Zoning Commission hearing, and in order to give Mr. Dolan further time, Councilman Sumner moved that action on this ordinance be postponed for one week, which motion was seconded by Councilman Algary and unanimously adopted.

Mrs. Nell Stroup brought up the matter of lack of a fire hydrant on Craggy Avenue, and the City Manager advised that the present arrangement of fire hydrants there complies with standards of the insurance underwriters organization which sets the city's insurance classification, which standard is for a hydrant to be within 1,000 feet of every house on the street.

There being no further business, the meeting was upon motion adjourned.

Margaret Hemphill
CITY CLERK

Thursday, August 10, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 10, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, C. E. Morgan, W. F. Algary, and D. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. Nora E. Wieters expressing her views in favor of water purification.

A letter was received from Clendenin Realty Co. requesting the rezoning of Lots 133, 134, 135, Ward 8, Sheet

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received requesting the rezoning of certain property bounded by Asheville-Biltmore College, Hilliard Street and Hyannis Drive.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 206, 206-1/4, 206-1/2, 207, 207-1/4, 207-1/2, 208, 209, Ward 4, Sheet 2, Lot 19, Ward 4, Sheet 5 from RA-6 Residential District to RA-m District.

August 9, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of the Housing Authority of the City of Asheville:

It was moved, seconded, and unanimously passed that the Commission recommend that the following property be rezoned from RA-6 Residential District to RA-M District:

Ward 4, Sheet 2, Lots 206, 206-1/4, 206-1/2, 207, 207-1/4, 207-1/2, 208, 209, and
Ward 4, Sheet 5, Lot 19

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

Councilman Mulvaney moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission set out above, and that the City Clerk give notice and publication of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from the Planning and Zoning Commission approving the site plan of a plat entitled "Property of B. H. Taylor" subject to the clarification of a two-foot side yard setback violation.

August 9, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached site plan entitled "Property of B. H. Taylor" indicates a group development located off U.S. 70 East. The plan proposes eight single family dwellings and one two-family dwelling. The project is served by a private drive as indicated on the plan.

The Asheville Planning and Zoning Commission, at their meeting held on August 9, 1967, approved the site plan subject to the clarification of a two-foot side yard set-back violation. One of the buildings is six feet from a side lot line, two feet less than the minimum. This could be rectified by building relocation, action of the Board of Adjustment, or by the purchase of adjoining land. It is recommended that final approval be withheld until this problem is clarified.

Sincerely yours,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM:nr
Encl:

The City Manager stated that this is a type of housing that is badly needed, that it is his understanding consideration is being given to acquiring additional property, and that the Council could set a date for a public hearing on the matter.

Councilman Sumner moved that a public hearing be held on said site plan, and that the City Clerk give notice of said hearing, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning and Zoning Commission approving a site plan of a 68 unit Howard Johnson motel and restaurant on Hendersonville Road at the I-40 intersection.

August 9, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached site plan indicates proposed construction of a 68 unit Howard Johnson motel and restaurant. The proposed location is on Hendersonville Road at the I-40 intersection.

The Asheville Planning and Zoning Commission, at their meeting on August 9, 1967, recommended approval of this plan, subject to the changes indicated on the attached print. These changes involve the entrance drive gradient, screen planting, and other minor additions.

It is recommended that this plan be granted final approval.

Sincerely yours,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM:nr
Encl:

Councilman Morgan moved that a public hearing be held on said site plan, and that the City Clerk give notice of said hearing, which motion was seconded by Councilman Sumner and unanimously adopted.

Miss McCoy again spoke in opposition to the proposed tax increase, and Mrs. Mary Wilde also spoke in opposition to the increase and asked questions concerning city revenues.

Councilman Sumner again brought up the Chamber of Commerce allocation and the $40,000 to be spent on the Richmond Hills golf course.

Following the discussion Ordinance No. 572, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1967-68", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 572

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1967-68

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1967 and ending on June 30, 1968, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 729,372.16	
Law	35,596.00	
Finance	89,077.52	
Taxation	139,332.20	
Public Safety	2,122,481.84	
Libraries	217,477.68	
Public Works	1,660,223.04	
Parks and Playgrounds	478,217.84	
Land Management	123,494.00	
Total General Operating Fund		$ 5,595,272.28

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$ 2,079,606.90	2,079,606.90

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 735,775.00	
Water Refunding Bonds	230,000.00	
Water Bonds Issue 1951	195,842.30	
Water Bond Issue 1961	299,847.90	
Airport Bond Issue 1 and 2	105,105.00	
Urban Development Bonds	68,279.00	
Total Debt Service Fund		$ 1,634,849.20
TOTAL APPROPRIATIONS		$ 9,309,728.38

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 1967 and ending on June 30, 1968 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 2,660,841.00	
Other Revenues as follows:		
License & Privilege Taxes	232,300.00	
Payment in Lieu of Taxes	513,731.28	
Fees	160,000.00	
Parking Meter Fees	80,000.00	
Court Costs	87,000.00	
Rents	63,000.00	
Income from Parks	80,400.00	
Miscellaneous	134,000.00	
Contribution from State Street Fund	313,000.00	
Contribution from Housing Authority	19,000.00	
Contribution from State Rev. Dept.	105,000.00	
Contribution from A B C Stores	690,000.00	
Riverside Cemetery Co.	20,000.00	
Aviation	140,000.00	
Current Year's Poll Tax and Taxes Other Than Current Year's Property Tax and Other Than Hereinbefore Itemized	297,000.00	
TOTAL GENERAL OPERATING FUND		$ 5,595,272.28

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$ 2,079,606.90	$ 2,079,606.90

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 909,159.00	
Water and Other Charges from Water Department	725,690.20	
TOTAL DEBT SERVICE FUND		1,634,849.20
TOTAL ESTIMATED REVENUES		$ 9,309,728.38

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1967, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	$ 1.30
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.45
Total rate per $100 of valuation of taxable property	$ 1.75

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $204,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of July, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 10 day of August, 1967, to become effective 10 day of August, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager, on behalf of the city employees, thanked the Council for the wage increase, and also expressed appreciation to the press, radio and television for their coverage of the budget and financial problems of the city.

The City Manager reminded the Council that today is the date set for the public hearing on the proposed rezoning of certain property in the Horizon Hill area which was continued from last week, and advised that he has been informed by the Planning and Zoning Commission office that notice of their public hearing was sent to the property owners concerned in this matter.

Mr. Thomas E. Dolan, attorney for Money-Worth, Inc, spoke in opposition to the passage of the ordinance, alleging the rezoning would constitute spot zoning and was aimed at keeping the company from constructing apartments on its seven lots. Mr. Dolan requested that the Council refuse to pass the ordinance, or send it back to the Planning and Zoning Commission for further consideration.

The City Manager advised that RA-10 zoning is the only zoning which prohibits multiple dwellings; that Council approval is required for site plans; that the previous site plan of Money-Worth was rejected because 42 apartments on the site is too dense a concentration for the terrain involved; and that Money-Worth has the opportunity to submit a new apartment site plan to the Council before the ordinance becomes effective, with the new plan showing a reasonable number of apartments.

Mr. Dolan stated that Money-Worth, after being turned down on the Horizon Hill project, had moved the apartment site to East Asheville and started construction there, and might not be financially able to begin a new apartment house project for Horizon Hill so soon.

Major General Webster Anderson spoke in favor of the passage of the ordinance, stating that such zoning was not spot zoning but carries out city planning consultants' recommendations for more of the area to be upgraded to a more restrictive residential classification.

Councilman Sumner stated he knew the property in question and didn't see why it should be zoned RA-10, and suggested the Council inspect the property. Mr. Sumner further stated that the property owners in the area might in the future desire a less restrictive zoning.

Mrs. Sol F. Berney and Mr. John Shackelford spoke in favor of the passage of the ordinance.

Following the discussion, Councilman Algary introduced Ordinance No. 573, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mayor Eller announced the appointment of Mr. Thomas McCurry, representing the Home Builders Association, as a member of the Citizens Advisory Committee.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 17, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 17, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Dr. Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An affidavit was received from The Thoms Broadcasting Companies, Inc. accepting the Ordinance passed and the franchise for thirty-five years granted to it at the elction held July 28, 1967.

THE HONORABLE EARL W. ELLER, MAYOR
OF THE CITY OF ASHEVILLE AND TO
THE MEMBERS OF THE CITY COUNCIL OF THE
CITY OF ASHEVILLE AND TO HONORABLE
WELDON WEIR, CITY MANAGER AND TO
ALL TO WHOM THESE PRESENTS SHALL COME:

GREETINGS:

The Thoms Broadcasting Companies, Inc., a North Carolina corporation, accepts herewith the Ordinance passed and the franchise for thirty-five years granted to it by the vote of the qualified voters of the City of Asheville at the election held July 28, 1967; and herewith assumes the privileges so granted and the obligations therein expressly set forth, all as contained in the Ordinance and franchise appearing in the minutes of the City Council of the City of Asheville of its meeting of August 3, 1967 to which reference is made for the terms of said Ordinance and franchise.

Executed in duplicate of which this is one original.

IN WITNESS WHEREOF The Thoms Broadcasting Companies, Inc. has caused these presents to be executed in its name by its President, attested by its Secretary and its corporate seal affixed, all by order of its Board of Directors duly given.

This the 17th day of August, 1967.

ATTEST

THE THOMS BROADCASTING COMPANIES, INC.

(SEAL) S/Meredith S. Thoms
Secretary

By S/ Harold H. Thoms
President

NORTH CAROLINA
BUNCOMBE COUNTY

This is to certify that on the 17th day of August, 1967 before me personally came Harold H. Thoms, President of The Thoms Broadcasting Companies, Inc., with whom I am personally acquainted, who, being by me duly sworn, says that he, Harold H. Thoms, is President and Meredith S. Thoms is Secretary of The Thoms Broadcasting Companies, Inc., the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal and the name of the corporation was subscribed thereto by the said President and that the said President and Secretary subscribed their names thereto and the said common seal was affixed, all by order of the Board of Directors of the said corporation, and that said instrument is the act and deed of said corporation.

IN WITNESS my hand and Notarial Seal, this the 17th day of August, 1967.

My Commission Expires:

March 25, 1968
(SEAL)

S/ Hugh C. McMillan
Notary Public, Buncombe County, North Carolina

This was received as information by the Council

A letter was received from the Keep Asheville Beautiful Committee requesting that a study be made of existing zoning in the Biltmore Avenue-McDowell Street area, as well as adjacent areas, to determine if any changes in zoning categories are warranted.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Mr. Thomas E. Dolan, attorney for Money-Worth, showed the Council a sketch of a new site plan for a 24-unit apartment development, and advised that an engineering drawing will be ready for submission to the Planning Commission by its next meeting.

Councilman Sumner suggested that the ordinance be passed on its second reading with the understanding that it will not be passed on its third and final reading until a report is received from the Planning Commission on the new site plan.

Following the discussion, Ordinance No. 573, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager presented each member of the Council with a copy of the Report to the Ad Hoc Committee on Community Development recommending a public improvements program, including a convention center and coliseum, new library, civic arts center, and Urban renewal for 407 acres in the East Riverside neighborhood.

In connection with this recommendation, the City Manager presented a resolution directing City Manager to take administrative action to bring community facilities projects and East Riverside Urban Renewal project to referendum, describing said resolution as a preliminary authorization for him to meet with agencies concerned in order to scale down their combined cost of improvements to a figure that would fall within the city's debt limitation, and said that no further expense will be involved in having the previously hired architects scale down the original plans.

Councilman Sumner stated that criticism has been directed at persons for getting up petitions and forcing the city to hold referendums, and that the city is doing the same thing by including the East Riverside Urban Renewal in the proposed bond package, and moved that Council finance the bond package referendum by taking $6,500 out of the city's 1967-68 allocation to the Chamber of Commerce. There was no second.

Miss Fannie McCoy spoke in opposition to metropolitan government.

Following the discussion the said resolution was, upon motion of Councilman Crouch, seconded by Councilman McRary, passed with Councilman Sumner voting "no."

Complete copy of resolution will be found in Resolution Book #5 at page 108.

The City Manager presented each member of the Council with a report prepared by Don S. James and Associates on Asheville's street bus system, which recommended a public take-over of the system, and Mr. James was present to explain the report and answer questions. The City Manager pointed out that the White Transportation Company is now in temporary receivership, and also presented the first report of the Receiver.

The City Manager advised that, after due process, a number of houses in the city had been found unfit for human habitation, and that ordinances had been prepared ordering them to be demolished.

Councilman Crouch introduced Ordinance No. 574, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 363 HAYWOOD ROAD AND OWNED BY PHILIP G. SHEHAN, WILLIAM H. STEWART, SARAH S. HEINE AND WILLIAM M. SHEHAN", which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Mulvaney introduced Ordinance No. 575, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 233 AND 233½ FLINT STREET AND OWNED BY WILLIE THOMAS CARR AND AMANDA THOMPSON", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Mulvaney introduced Ordinance No. 576, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 89 POPLAR STREET AND OWNED BY ROBERT M. HENDRICK", which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman McRary introduced Ordinance No. 577, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 81 CULVERN STREET AND OWNED BY SAMUEL C. BUCKNER AND ARNOLD C. BUCKNER, HEIRS AT LAW OF BELLE CANSADIA BUCKNER, DECEASED", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Crouch introduced Ordinance No. 578, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 TUSKEGEE STREET AND OWNED BY W. HORACE DENTON AND WIFE, MARGARET DENTON", which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Mulvaney introduced Ordinance No. 579, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 135 POPLAR STREET AND OWNED BY GLADYS PHARR AND STELLA CARTER", which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman McRary introduced Ordinance No. 580, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 BAXTER ALLEY AND OWNED BY LOUISE EVANS BELIN", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Sumner introduced Ordinance No. 581, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 57 BLACK STREET AND OWNED BY SARAH BOOKER", which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Councilman Crouch introduced Ordinance No. 582, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILD-

ING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 59-61 BLACK STREET, 67 BLACK STREET AND 60 GREENROW ALLEY OWNED BY JERUSHA TILIMAN McMURRAY", which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Mr. H. E. Setzer appeared before the Council to complain about the method used in washing streets.

The City Manager stated he would follow through on this.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 24, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 24, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Robert P. Crouch, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Councilman Algary, who was absent from last week's meeting, stated he wished to go on record as endorsing the resolution directing the City Manager to take administrative action to bring community facilities projects and East Riverside Urban Renewal Project to referendum, and that it was necessary for the city to meet this challenge in order to grow.

A letter was received from W. B. House regarding the bus service in the City of Asheville, and the possibility of turning the bus system back to the Carolina Power and Light Company.

Councilman McRary asked if this could be done, and the City Manager advised that the Corporation Counsel had received an opinion from the Attorney General, which was reported to the Council on November 17, 1966, to the effect that the question was moot, since the franchise had expired.

Councilman Algary stated he thought this matter should be explored further, and if possible he would favor holding the power company responsible for operating the buses.

Councilman Sumner stated he agreed with this view, and thought the Supreme Court should rule on the question.

The City Manager recalled that this matter had been previously discussed by the Council, and read the opinion from the Attorney General.

Councilman Morgan suggested that the Corporation Counsel look further into this matter, and the City Manager stated he would confer with the Corporation Counsel and report to the Council.

A letter was received from Mrs. L. Dale Thrash requesting the rezoning of Lot 4, Sheet 24, Ward 5.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Louis and Jessie Roberts requesting the rezoning of Lots 46, 122, 128, 129 and 130, Ward 9, Sheet 7.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from J. V. Shoemaker and G. B. Ledford requesting the rezoning of certain lots on Sheet 4 in Ward 8, and Hazel Ward, Sheet 4.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Larry D. Hester, Christine P. Hester, James Roberts and Carolyn G. Roberts requesting the rezoning of Lots 3, 4, 4½, 234, 4-3/4 and 139, Ward 5, Sheet 14.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A Site Plan of Horizon Hill Apartments developed by Money-Worth, Inc. was presented to the Council, and the City Manager advised that this plan utilized all of the property, providing for twenty-four units with two buildings, and that the driveways met grade limitations.

This Site Plan was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 574, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 363 HAYWOOD ROAD AND OWNED BY PHILIP G. SHEHAN, WILLIAM H. STEWART, SARAH S. HEINE AND WILLIAM M. SHEHAN", was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 575, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 233 AND 233½ FLINT STREET AND OWNED BY WILLIE THOMAS CARR AND AMANDA THOMPSON", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 576, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 89 POPLAR STREET AND OWNED BY ROBERT M. HENDRICK", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 577, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 81 CULVERN STREET AND OWNED BY SAMUEL C. BUCKNER AND ARNOLD C. BUCKNER, HEIRS AT LAW OF BELLE CANDIA BUCKNER, DECEASED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 578, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 TUSKEGEE STREET AND OWNED BY W. HORACE DENTON AND WIFE, MARGARET DENTON", was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 579, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH

THAT HOUSE KNOWN AS 135 POPLAR STREET AND OWNED BY GLADYS PHARR AND STELLA CARTER", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 580, "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 BAXTER ALLEY AND OWNED BY LOUISE EVANS BELIN", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 581, "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 57 BLACK STREET AND OWNED BY SARAH BOOKER", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 582, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 59-61 BLACK STREET, 67 BLACK STREET AND 60 GREENROW ALLEY OWNED BY JERUSHA TILIMAN McMURRAY", was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution electing members of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 109.

Councilman Algary introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 110.

The City Manager advised that in order to provide more off-street parking he had negotiated an agreement with Don C. Young, attorney, for property at the corner of Davidson and Marjorie Streets, which property is already paved and will park forty cars, for a rental of $30.00 per month.

Councilman Sumner stated he thought ad valorem taxes should be included in the clause permitting cancellation in event gross income fails to equal annual rental requirements in each of two successive years in offstreet parking leases.

Following the discussion, Councilman Mulvaney introduced a resolution authorizing Mayor to execute leases with Don C. Young and wife; Audrey Mendez and husband; William R. Travis and wife; Lena Lyle and husband; Hugh A Travis and wife, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 111.
Lease will be found attached to original resolution.

Councilman Mulvaney stated he had noticed in the press that there had been another explosion of a defective water heater, and urged that owners of such devices have them inspected.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 31, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 31, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. Jack Smith asking for bus service on Friday nights and during the holiday season

The Clerk was requested to forward this request to the Receiver for the White Transportation Company

Ordinance No. 574, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 363 HAYWOOD ROAD AND OWNED BY PHILIP G. SHEHAN, WILLIAM H. STEWART, SARAH B. HEINE AND WILLIAM M. SHEHAN", was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 574

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 363 HAYWOOD ROAD AND OWNED BY PHILIP G. SHEHAN, WILLIAM H. STEWART, SARAH S. HEINE AND WILLIAM M. SHEHAN

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Philip G. Shehan, William H. Stewart, Sarah S. Heine, and William M. Shehan located at 363 Haywood Road, West Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Philip G. Shehan, William H. Stewart, Sarah S. Heine and William M. Shehan, and a hearing has been held by the Agent of the Building Inspector on the 19th day of May, 1967, at 2:30 o'clock P.M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Philip G. Shehan, Sarah S. Heine and William M. Shehan on the 31st day of May, 1967, and to William H. Stewart on the 1st day of June, 1967, and that said owners have not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 363 Haywood Road, West Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 29th day of May, 1967, is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of the Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with to carry out the provisions of said Article 15 of the Code of the City of Asheville with respect to that property known as 363 Haywood Road, West Asheville, owned by Philip G. Shehan, William H. Stewart, Sarah S. Heine and William M. Shehan, lying and being on the North side of Haywood Road, and more particularly described as follows:

BEGINNING on a stake in the North margin of Asheville Avenue, common corner of Lots 1 and 2, Block 4 of a Plat of the Allen and Thrash lands, recorded in Book 140, page 448, and runs in the west boundary line of said lot No. 2, North 4 deg. East 145 feet to a stake in said line; thence a westerly course parallel with the North margin of Asheville Avenue 30.8 feet to a stake; thence South 4 deg. West 145 feet to the North margin of Asheville Avenue; thence South 87 deg. East with the said margin of said Avenue 30.8 feet to the place of BEGINNING, and being part of Lot no. 1 of the above Plat, reference to which is hereby made for a more particular description of said land; and known for tax purposes as Part 6, Sheet 6, Ward 6.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Robert P. Crouch
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 575, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 233 AND 233½ FLINT STREET AND OWNED BY WILLIE THOMAS CARR AND AMANDA THOMPSON, was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 575

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 233 AND 233½ FLINT STREET AND OWNED BY WILLIE THOMAS CARR AND AMANDA THOMPSON

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Willie Thomas Carr and Amanda Thompson located at 233 and 233½ Flint Street, Asheville, is in violation of The Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Willie Thomas Carr and Amanda Thompson and a hearing has been held by the Agent of the Building Inspector on the 6th day of June, 1967 at 2:00 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Amanda Thompson on the 30th day of June, 1967 and to Willie Thomas Carr on the 11th day of July, 1967; and that said owners have not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises known as 233 and 233½ Flint Street, Asheville, owned by Willie Thomas Carr and Amanda Thompson, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time and finds no evidence that the Order of the 16th day of June, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 233 and 233½ Flint Street, Asheville, owned by Willie Thomas Carr and Amanda Thompson, lying and being on the east side of Flint Street in the City of Asheville, and bounded and more particularly described as follows:

BEGINNING at a stake in the East margin of Flint Street, said stake being South 36 deg. 29' East 65 feet from the intersection of the South margin of Ocala Street with the East margin of Flint Street, and runs thence South 66 deg. 52' East 99 feet to a stake; thence South 36 deg. 29' East 35 feet to a stake; thence North 66 deg. 52' West 99 feet to a stake in said East margin of Flint Street; thence with said margin of Flint Street, North 36 deg. 29' West 35 feet to the BEGINNING. Being the South end or part of the Florence Shippy lot, and being the same property described in a deed from Elizabeth Shuford Nichols and husband, Herman Nichols, to Amanda Thompson, widow, dated January 23, 1959, and duly registered in the Office of the Register of Deeds for Buncombe County, in Deed Book 601, at page 316, and known for tax purposes as Lot 93, Sheet 3, Ward 3.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
City Clerk

Ordinance No. 576, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 89 POPLAR STREET AND OWNED BY ROBERT M. HENDRICK", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 576

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 89 POPLAR STREET AND OWNED BY ROBERT M. HENDRICK

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The

Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Robert M. Hendrick located at 89 Poplar Street, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Robert M. Hendrick, and a hearing has been held by the Agent of the Building Inspector on the 10th day of July, 1967, at 1:30 o'clock P.M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Robert M. Hendrick on the 12th day of July, 1967 and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 89 Poplar Street, Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 11th day of July, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 89 Poplar Street, Asheville, owned by Robert M. Hendrick, lying and being on the South side of said Poplar Street and bounded and more particularly described as follows:

BEGINNING at Felix Grimes northwest corner on Poplar Street, in the City of Asheville, County of Buncombe, State of North Carolina, and runs thence with the Southern margin of said Street, Westward 82½ feet to a stake; thence on a line parallel to Pine Street, 99 feet to a stake; thence Eastward on a line parallel to Poplar Street, 82½ feet to Felix Grimes line; thence with Felix Grimes line, 99 feet to a stake in the South margin of Poplar Street, the point of BEGINNING, Being the same property described in a deed from Robert M. Hendrick and wife, Irene O. Hendrick to Sanford L. Brown and wife, Rose Hildebrand Brown, dated July 28th, 1949, and recorded in Deed Book 679, at page 602, of the Registry for Buncombe County, North Carolina, to which reference is hereby made for more complete and particular description of said land, and known for tax purposes as Lot 64, Sheet 2, Ward 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 577, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 81 CULVERN STREET AND OWNED BY SAMUEL C. BUCKNER AND ARNOLD C. BUCKNER, HEIRS AT LAW OF BELLE CANSADIA BUCKNER, DECEASED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 577

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 81 CULVERN STREET AND OWNED BY SAMUEL C. BUCKNER AND ARNOLD C. BUCKNER, HEIRS AT LAW OF BELLE CANSADIA BUCKNER, DECEASED

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Samuel C. Buckner and Arnold C. Buckner heirs at law of Belle Cansadia Buckner, Deceased, located at 81 Culvern Street, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Samuel C. Buckner and Arnold C. Buckner, Individually and as Administrator of the Estate of Belle Cansadia Buckner, Deceased, and a hearing has been held by the Agent of the Building Inspector on the 9th day of June, 1967 at 2:00 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Samuel C. Buckner and Arnold C. Buckner, Individually and as Administrator of the Estate of Belle Cansadia Buckner, Deceased, on the 17th day of June, 1967, and that said owners have not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 81 Culvern Street, Asheville and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 16th day of June, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of the Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed

with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 81 Culvern Street, Asheville, owned by Samuel C. Buckner and Arnold C. Buckner, and described as follows

BEING Lot No. 14, Block "C", Grenwalde Terrace, plat recorded in Plat Book No. 154, at page 180 in the Office of the Register of Deeds for Buncombe County, North Carolina, and bounded and more particularly described as follows: BEGINNING on a stake in Washington Avenue (now Culvern Street), the Southwest corner of Lot No. 13 of said plat and runs North 78 deg. West 64 feet to a stake in said North margin of Washington Avenue (now Culvern Street), thence North 9 deg. West 115 feet to a stake, corner of Lots Nos. 24, 25 and 15 of said plat; thence East 50 feet to a stake, corner of Lots 25, 26 and 13; thence South 2 deg. East 128 feet to the BEGINNING; and being the same property described in a deed from F. A. Nelon, et al to Cansadia Martin, and recorded in the Office of the Register of Deeds for Buncombe County North Carolina the 3rd day of September, 1921 in Deed Book 251, at page 327, and being Tax Lot No. 45, Sheet 23, Ward 9 of the Tax Maps for Buncombe County, North Carolina.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 578, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 TUSKEGEE STREET AND OWNED BY W. HORACE DENTON AND WIFE, MARGARET DENTON", was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted 'aye"

ORDINANCE NO. 578

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 TUSKEGEE STREET AND OWNED BY W. HORACE DENTON AND WIFE, MARGARET DENTON

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by W. Horace Denton and wife, Margaret Denton, located at 19 Tuskegee Street, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said W. Horace Denton and wife, Margaret Denton, and a hearing has been held by the Agent of the Building Inspector on the 15th day of June, 1967 at 2:00 o'clock P. M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that notice of said Findings of Fact and Order has been given said W. Horace Denton and wife, Margaret Denton by registered letter on the 21st day of June, 1967, and that said owners have not fully complied with said Order, and the Building Inspector has advised the Council that he has personally examined the premises at 19 Tuskegee Street, Asheville and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds that the demolition of said dwelling house under the Order of the 19th day of June, 1967, by said owners has been abandoned by them after removing the roof therefrom.

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of the Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 19 Tuskegee Street, Asheville, owned by W. Horace Denton and wife, Margaret Denton, bounded and more particularly described as follows:

BEGINNING at a stake in the southern margin of Tuskegee Street, at the northwest corner of Lot No. 40, belonging to Luther Brooks, and runs with his western line South 40 deg. 30' West 75 feet to a stake in the northern margin of a 10 foot alley; thence with said margin of said alley, North 49 deg. 30' West 40 feet to a stake in the northern margin of said alley, the Southeast corner of Lot No. 42 of said plat; thence with the eastern boundary line of Lot No. 42, North 40 deg. 30' East 75 feet to a stake in said margin of said Street; thence with the margin of said Street, South 49 deg. 30' West 40 feet to the BEGINNING. Being the same land conveyed by deed dated _____ day of October, 1944 from A. G. Carver and wife, Nina Mae Carver to Luella F. Dunn, recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 567, at page 171; and known for tax purposes as Lot 87, Sheet 1, Ward 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Robert P. Crouch
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967 to become effective the 15 day of September, 1967

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 579, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 135 POPLAR STREET AND OWNED BY GLADYS PHARR AND STELLA CARTER", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 579

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 135 POPLAR STREET AND OWNED BY GLADYS PHARR AND STELLA CARTER

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Gladys Pharr and Stella Carter located at 135 Poplar Street, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Gladys Pharr and Stella Carter and a hearing has been held by the Agent of the Building Inspector on the 21st day of June, 1967, at 2:00 P.M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Gladys Pharr on the 29th day of June, 1967, and that said owners have not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 135 Poplar Street, Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the order of the 27th day of June, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of the Housing Code of the City of Asheville as in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with and carry out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 135 Poplar Street, Asheville, owned by Gladys Pharr and Stella Carter, and more particularly described as follows:

BEING and being in the City of Asheville, County of Buncombe, on the South side of Poplar Street, adjoining the lot formerly owned by W. N. Martin and bounded and more particularly described as follows: BEGINNING at a stake in the South margin of Poplar Street, the northeast corner of the W. N. Martin lot, and runs with the said South margin of said Poplar Street North 68 deg. 30' East 59 feet to a stake, the Northwest corner of Lot No. 2 of the D. S. Hildebrand plat; thence with the western line of said Lot No. 2, South 5 deg. East 93½ feet to a stake, the common corner of Lots 1 and 2 of said Hildebrand plat; thence South 76 deg. 15' West 80 feet to a stake in the East line of the Martin lot; thence with the East line of the Martin lot North 5 deg. East 92 feet to the BEGINNING, being Lot No. 1 of the above referred to plat which said plat is duly registered in the Office of the Register of Deeds for Buncombe County, North Carolina in Book of Plats No. 154, at page 203 et seq., to which reference is hereby made for more information and description; and known for tax purposes as Lot 25, Sheet 3, Ware 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 580, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 BAXTER ALLEY AND OWNED BY LOUISE EVANS BELIN", was, upon motion of Councilman McRary, seconded

[illegible] its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman A[illegible] voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 580

[illegible] DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 19 BAXTER ALLEY [illegible] OWNED BY LOUISE EVANS BELIN

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as the Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Louise Evans Belin located at 19 Baxter Alley, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Louise Evans Belin and a hearing has been held by the Agent of the Building Inspector on the 10th day of July, 1967 at 2:00 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Louise Evans Belin on the 10th day of July, 1967 and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 19 Baxter Alley, Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time and finds no evidence that the Order of the 11th day of July, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirement of The Housing Code of the City of Asheville as in such matters provided.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with the carrying out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 19 Baxter Alley, Asheville, owned by Louise Evans Belin, lying and being on the south side of Baxter Alley and more particularly described as follows: BEGINNING at a stake in the North line of the John Clayton property and runs thence with the said line North 71 deg. 30' West 107.4 feet to a stake, a corner of the Greenlee lot, thence with the Greenlee line North 11 deg. 15' West 17 feet to a stake, thence South 86 deg. 30' East 101.4 feet to a stake in Mrs. Williams's West line, thence with his line South 3 deg. West 44.5 feet to the place of BEGINNING. Being the same land conveyed by Mary C. Jordan and husband to Solomon Evans, by deed dated May 18, 1916 and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Book _____, at page _____, and known as Lot No. 106, Sheet 7, Ward 1.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 581, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 57 BLACK STREET AND OWNED BY SARAH BOOKER", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman A[illegible] voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 581

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT HOUSE KNOWN AS 57 BLACK STREET AND OWNED BY SARAH BOOKER

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that that certain property owned by Sarah Booker located at 57 Black Street, Asheville, is in violation of the Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said Sarah Booker, and a hearing has been held by the Agent of the Building Inspector on the 5th day of July, 1967, at 2:00 o'clock P. M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Sarah Booker on the 10th day of July, 1967, and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 57 Black Street, Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time, and finds no evidence that the Order of the 10th day of July, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville as in such matters provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with the carrying out the provisions of the said Article 15 of the Code of the City of Asheville with respect to that property known as 57 Black Street, Asheville, owned by Sarah Booker and bounded and more particularly described as follows:

BEGINNING at a stake on the North margin of Black Street, the Southeast corner of Lot #22 of a plat of the J. Bailey land and runs North 4 deg. East 70 feet to a stake in the South margin of an alley; thence with the said margin of said alley, North 67 deg. East 92 feet to a stake; thence South 10 deg. 111 feet to a stake in the North margin of Black Street; thence with the North margin of Black Street, North 85 deg. 30' West 97 feet to the BEGINNING, being Lot #24 of a Plat of the Jones Bailey land, said Plat being registered in the Office of the Register of Deeds for Buncombe County, North Carolina, in Book of Deeds 157, at page 322 and 323, reference to which is hereby made for a more complete description, including the toilet, said strip being 8 feet wide on Green Row and 6 feet wide [illegible] and known for tax purposes as Lots 71 and 73, Sheet 11, Ward 4.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

[illegible]
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 582, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 59-61 BLACK STREET, 67 BLACK STREET AND 60 GREENROW ALLEY OWNED BY JERUSHA TILLMAN McMURRAY" upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman A[illegible] voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 582

ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THOSE HOUSES KNOWN AS 59-61 BLACK STREET, 67 BLACK STREET AND 60 GREENROW ALLEY OWNED BY JERUSHA TILLMAN McMURRAY

WHEREAS, proceedings have heretofore been instituted in accordance with Article 15, which is known as the Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Agent of the Building Inspector as provided in Section 964 (A) charging that those certain properties owned by Jerusha Tillman McMurray located at 59-61 Black Street, 60 Greenrow Alley and 67 Black Street, Asheville, are in violation of The Housing Code in that said dwellings are unfit for human habitation, following which notice of a public hearing was given to said Jerusha Tillman McMurray, and a hearing has been held by the Agent of the Building Inspector on the 13th day of July, 1967 at 2:00 o'clock P. M., and attached hereto is a copy of the Findings of Fact and Order of the Housing Officer and Agent of the Building Inspector, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Jerusha Tillman McMurray on the 13th day of July, 1967, and that said owner has not complied with the Order in any respect, and the Building Inspector has advised the Council that he has personally examined the premises at 59-61 Black Street, 67 Black Street and 60 Greenrow Alley, Asheville, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time and finds no evidence that the Order of the 10th day of July, 1967 is being complied with; and

WHEREAS, it appears to the Council that the Housing Officer and Agent of the Building Inspector has followed and complied with the requirements of The Housing Code of the City of Asheville in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer and Agent of the Building Inspector is hereby ordered and directed to proceed with the carrying out the provisions of said Article 15 of the Code of the City of Asheville with respect to those certain properties owned by Jerusha Tillman McMurray, known as 67 Black Street and 60 Greenrow Alley, Asheville, lying and being on North side of Black Street and the west side of Greenrow Alley and more particularly described as follows:

BEGINNING at a stake on the North margin of Black Street; where an alley intersects with said street, and runs North 4 deg. East 68 feet to a stake in the South line of Lot No. 12, as appears on said map, thence South 84 deg. 40 feet to a stake at corner of Lots No. 14, 13, 20 and 21, as appears on said map; thence South 4 deg. West with a common line, or dividing line between Lots 20 and 21 as appears on said plat 68 feet to a stake in the North margin of said Black Street, at the common corner of Lots 20 and 21, thence South 30 deg. East with said North margin of Black Street 40 feet to the BEGINNING, being designated as Lot No. 21 of the Jones-Bailey tract, recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 157, at page 322, 323, and known for tax purposes as Lot 77, Sheet 11, Ward 4;

and that property known as 59-61 Black Street, Asheville, lying and being on the North side of Black Street and more particularly described as follows:

BEGINNING at a stake in the Eastern margin of an alley intersecting Rollins Street (now Black Street) at said stake, and

...ence with the said margin of Rollins Street (now Black Street) South 85 deg. 30' East 40 feet to a stake, the South-...west corner of Lot No. 23 and corner of Samuel Hix, thence North 4 deg. East 70 feet to a stake, said Samuel Hix's ...Northwest corner in the margin of the alley; thence South 65 deg. 30' West 45 feet to a stake in the margin of said ...alley; thence South 4 deg. West with the margin of said alley 50 feet to the BEGINNING, a stake at the intersection ...of said alley and Rollins Street (now Black Street) and being Lot No. 22 of the Jones-Bailey Plat made by H. M. Park... Surveyor 1891, and recorded in the Registry for Buncombe County, in Deed Book 157, at page 322 and 323, to which said ...plat reference is hereby made for a fuller and more perfect description of said lot, and known for tax purposes as ...75, Sheet 11, Ward 4.

2. The Housing Officer and Agent of the Building Inspector is ordered and directed to proceed with the ...renewal or demolition of the dwelling houses located on the premises aforesaid, and otherwise comply with the provi-...sions of the Housing Code.

I move the adoption of the foregoing ordinance, this 17 day of August, 1967.

Robert P. Crouch
COUNCILMAN

SECONDED BY:

Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 31 day of August, 1967, to become effective the 15 day of September, 196...

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that Asheville Paving Company had submitted a bid in the amount of $169,500.00 ...for repairing and resurfacing streets in the city, which bid was the lowest bid received.

Councilman Morgan introduced resolution authorizing Mayor to enter into contract with Asheville Paving ...Company for repairing and resurfacing streets in the City of Asheville, which was, upon motion of Councilman Morgan, ...seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 112.
Copy of Contract will be found attached to original resolution.

The City Manager advised that Norman C. Ramsey, who owns property fronting on lake owned by Carolina Power ...& Light Company at its steam operating plant, had requested a lease of this frontage.

Councilman Mulvaney introduced a resolution authorizing City Manager to enter into Lease Agreement with ...Norman C. Ramsey fronting on lake owned by Carolina Power & Light Company at its steam generating plant, which was, ...upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 113.
Copy of Lease will be found attached to original resolution.

The City Manager advised that due to Interstate Highway construction in the area it is necessary to enter ...into an agreement with the State Highway Commission for the relocation of certain water and sewer lines, at state expe...

Councilman Crouch introduced resolution authorizing Mayor to enter into agreement with the North Carolina ...State Highway Commission to relocate and eliminate conflicts with City of Asheville water and sewer facilities due to ...construction of State Highway Project 8.1904802, Construction Project 8.3191102, from 1700' west of Hanover Street ...(Beaucatcher Tunnel) east, to and including the approach to the Smoky Mountain Bridge, which was, upon motion of ...Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 114.
Copy of Agreement will be found attached to original resolution.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of ...certain property in Ward 4 requested by the Housing Authority, and that due notice had been given of said public he...

There being no objection, Councilman McRary introduced Ordinance No. 583, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ATTE...

The City Manager advised that today is the date set for the public hearing on the Site Plan of "Property ...

...H. Taylor", as recommended by the Planning and Zoning Commission, and that due notice had been given of said public ...hearing.

There being no objection, Councilman Crouch moved that the said Site Plan be approved, which motion was ...seconded by Councilman McRary, and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the Site Plan for "Howard Johnson" on Hendersonville Road, as recommended by the Planning and Zoning Commission, and that due notice had been given of ...said public hearing.

There being no objection, Councilman Mulvaney moved that the said Site Plan be approved, which motion was ...seconded by Councilman McRary and unanimously adopted.

Miss McCoy asked whether the ordinance providing for a $50.00 fine for poisoning city water had been repealed. She was advised that regulations governing city water are under the direction of the State Board of Health.

Councilman Algary stated that Miss McCoy is proof that any citizen can come to Council meetings and speak.

Councilman Algary urged public approval of an upcoming bond referendum on financing the Community Facilities ...projects and the East Riverside Urban Renewal Project.

Councilman Algary also suggested that since these projects would be of great benefit to all the citizens of ...Buncombe County out-of-city residents in Buncombe County might wish to form an organization to solicit pledges for the ...purpose of contributing one million dollars toward the proposed public improvements program, and that such interested ...persons and industries could subscribe to make the payments over a ten years period. Councilman Algary further stated ...that such action would be a great boost to those inside the corporate limits.

There being no further business, the meeting was upon motion adjourned.

...AYOR

Margaret Simmons
CITY CLERK

Thursday, September 7, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 7, 1967 at 4:00 o'clock P. M. with Mayor E. W. ...Eller presiding. Present: Councilmen F. M. Mulvaney, Robert P. Crouch, J. W. McRary, C. E. Morgan, W. F. Algary, City ...Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property ...requested by Louis and Jessie Roberts.

September 7, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held on September 6, 1967, the following action was taken on the request of Louis and Jessie Roberts:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 46, 122, 128, 129, and 130, Ward 7, Sheet 7, be re-zoned from 2A-6 Residential to Neighborhood Trading Area.

Respectfully yours,

...Rpcc

Anthony Redmond
Anthony Redmond,
Secretary

A letter was received from the Planning and Zoning Commission recommending the rezoning of certain property ...requested by R. L. Bailey.

September 7, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held on September 6, 1967, the following action was taken on the request of Mr. Bill Clendenin, Agent concerning

[illegible] that the Commission recommend that [illegible] be re-zoned from RA-6 to Industrial, and that, [illegible] be re-zoned from RA-6 to Industrial

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

[illegible] Commission recommending the rezoning of certain prop-

September 7, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held September 6, 1967, the following action was taken on the request of Mrs. Roger Frey and other owners of property on Hyannis Drive:

It was moved, seconded, and unanimously passed that the Commission recommend that Ward 9, Sheet 8, Lots 95, 96, 96-1/4, 97, 98, 99, 100, 101, 104, 104-1/4, 104-1/2, 104-3/4, 122, 122-1/4, 122-1/2, [illegible] 124, 124-1/2, 137, 138, 139, 140, 140-1/4, 141, 142, 142-1/2, 142-1/4, 143, 144, 145, 153, 164, 165, 166, 166-1/4, [illegible] 168, 168-1/4, 169, 170, 171, 171-1/4, 171-1/2, 171-3/4, 172, 175, 175-1/4, 176, 177, 177-1/4, 178, 193, 194, 195, [illegible] 196, 197, 198, 199, 201, 202, 207, 208 be re-zoned from RA-6 to RA-10; that portion of Lot 101 lying within the city limits; a lot beginning at a point at the southeast corner of Lot 102 and running in an easterly direction along the north side of Hyannis Drive twenty feet to the southeast corner of Lot 95, then along the western boundary of Lot 95 north to Lot 1 feet to the northwest corner of Lot 95, then in a westerly direction twenty feet to a point located on the eastern boundary of Lot 102 and then return to the beginning point on the southeast corner of Lot 102; property belonging to Asheville-Biltmore College bordering on Hyannis Drive with a boundary common with Asheville City Limit Line on the west and Lot 103 on the east, lot described in Deed Book 962 at Page 517 owned by Heritage Manor; that portion of land west of property described above south of Lot 103 east of Asheville City Limit Line and south of the north side of Hyannis Drive, be re-zoned from RA-6 to RA-10.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:mcc

The above recommendations were accepted by the Council, and, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, it was directed that an ordinance be prepared complying with said recommendations, and that the City Clerk give notice of a public hearing to be held on same.

Reverend William S. Jones, Chairman of the Interfaith Committee on Housing, presented the Committee's position as strongly supporting the East Riverside Urban Renewal Project, urging the City Council and the people of Asheville to give the project their fullest support, calling of a vote on the issuance of bonds for this project before the end of 1967, and pledging to continue its education efforts to see that the people are fully informed concerning the needs and advantages of the project.

The City Manager advised that the issuance of bonds is geared to the Local Government Commission and bond attorneys, but that the Council has already requested that this be worked out in time for an election this year, and the matter is being handled in this way.

A letter was received from the Planning and Zoning Commission disapproving the Site Plan for the Horizon Hill Apartment Development of Money-Worth, Inc., and reaffirming the previous recommendation that this area be re-zoned from RA-6 to RA-10.

September 7, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held on September 6, 1967, the following action was taken on the request of Money-Worth, Inc.:

It was moved, seconded, and unanimously passed that the site plan for the Horizon Hill Apartment development of Money-Worth, Inc. be disapproved and that the Planning and Zoning Commission reaffirm its previous recommendation concerning the re-zoning of this area from RA-6 to RA-10.

Sincerely yours,

S/ Anthony Redmond
Anthony R dmond
Secretary

AR:mcc

Mr. Thomas Dolan, attorney for Money-Worth, Inc., spoke in favor of the said Site Plan, stating that said plan met all objections which had been raised, and also met all the requirements of the ordinance providing for [illegible] development, and urged the Council to give this site plan its approval and vote against the rezoning of the [illegible].

Councilman Algary stated he was not clear on how the Zoning Commission could reject a site plan for 24 apartments when several months ago it had approved a site plan for 42 apartments on the same property, and it was only [illegible] by City Council that prevented the 42-apartment plan from passing and sent the plan back to the Zoning Commission for [illegible] consideration. Councilman Algary further stated he considered the 24 apartment plan reasonable.

Those speaking in favor of the passage of the ordinance included Mr. E. R. Baxter, Mr. John Shackelford, [illegible] Bernay and Mr. Smith.

Councilman Morgan suggested that the Council go out and inspect the property, and Councilman Crouch asked if anything would be gained by having the Chairman of the Planning and Zoning Commission inform the Council of their reasons for rejection of the new site plan.

Following the discussion, Ordinance # 573, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Crouch, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "no"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Dolan then advised that Money-Worth, Inc. took exception to the action taken by the Council, and asked that this exception be made a part of the record.

ORDINANCE NO. 573

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 to RA-10:

Ward 9, Sheet 8, Lot Numbers 95, 96, 96-1/4, 97, 98, 99, 100, 101, 104, 104-1/4, 104-1/2, 104-3/4, 122, 122-1/4, 122-1/2, [illegible] 124, 124-1/2, 137, 138, 139, 140, 140-1/4, 141, 142, 142-1/2, 142-1/4, 143, 144, 145, 153, 164, 165, 166, 166-1/4, [illegible] 168, 168-1/4, 169, 170, 171, 171-1/4, 171-1/2, 171-3/4, 172, 175, 175-1/4, 176, 177, 177-1/4, 178, 193, 194, 195, [illegible] 196, 197, 198, 199, 201, 202, 207, 208

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 10 day of August, 1967.

W. F. Algary
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 7 day of September, 1967, to become effective 22 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 583, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the Tennessee Valley Authority had made a proposal to build levees in the Asheville area and Upper French Broad Basin, and asked the cooperation of the city in providing easements and rights

...y within the city limits of 8,000 feet along the French Broad River from a point north of Carrier Bridge down the river to relocate water and sewer lines where levees are to be constructed; and to maintain two pumping stations ... thereof, which maintenance cost is estimated to be $6,000 annually.

The City Manager recommended that the city enter into such an agreement, and, if agreeable to the Council, that he be directed to so proceed.

Councilman Crouch moved that the City Manager be directed to have such a formal agreement drafted for consideration by the Council, which motion was seconded by Councilman McRary and unanimously adopted.

In connection with the service in the City of Asheville the City Manager read a prepared statement recommending the creation of a Transportation Authority.

"With the interest I am attaching a copy of the final judgment entered by the Superior Court in the matter of the receivership of the White Transportation Company, Inc. This judgment directs that the company shall cease operations on December 31, 1967.

"It is recommended that the City Council determine that a public transportation system for the city be considered a public purpose, and under Section 26, Article 3 of the City Charter, enact an ordinance establishing a Transportation Authority.

"It is further recommended that the Transportation Authority apply to the Department of Housing and Urban Development for a capital grant to assist this municipality in providing an urban mass transportation system. Under such a grant from the Department of Housing and Urban Development the city would be required to provide one-third of the total cost of the system and to meet this requirement it is recommended that the City Council adopt an ordinance imposing and levying a $5 city license plate tax for each motor vehicle registered in the City of Asheville. This is permissive under the authority of the General Assembly of North Carolina. Revenue produced by this ordinance would of necessity have to be pledged over a period of years to meet the requirements as outlined above. It is estimated that this source of revenue would produce $25,000.00 annually.

"It is recalled that Mr. James in his report recommended that a public agency undertake this responsibility. Such a agency would be exempt from several taxes imposed on private enterprise, such as state franchise tax, local ad valorem tax, gasoline tax and unemployment insurance tax. The savings in taxes alone, in my opinion, would amount to $[illegible] annually.

"According to the best information I have been able to secure it would require an outright purchase of thirty new buses at an estimated cost of $15,000 each, or a total of $450,000.00. Other expense necessary to the operation such as headquarters and garage facilities, various pieces of service equipment, repair parts, would cost an estimated $150,000.00, making a total estimated cost of $600,000.00. Under this estimate the local share would be $200,000 payable from collections from city license plate tax.

In presenting this report I want to advise that three firms have expressed an interest in the public transportation matter in Asheville and all have been furnished with copies of the James' report. To date no proposal has been received to carry on this responsibility by private enterprise.

"The City Council is encouraged to review this recommendation, and in a reasonable time direct that the necessary ordinances be prepared by the Corporation Counsel for formal consideration in order that the Transportation Authority can assume this necessary public responsibility on or before January 1, 1968."

The City Manager advised that it was his belief that money is available to public agencies under the Department of Housing and Urban Development that the city is limited in the amount of license plate tax it can charge, but that the [illegible] could change this and that Mr. James is available to assist during the reorganization period.

The City Manager further stated that it is very important that citizens who might serve on the Transportation Authority and prior to the preparation of these ordinances be named.

Mayor Eller then presented a list of citizens who would be invited to so serve:

Carl [illegible] Jr.	Plant Mgr., SKF Industries Charlotte Highway	3 Chateau Place
[illegible]	President, Quick As a Wink of Asheville, Inc. 170 Woodfin St.	67 Windsor Road
Joseph L. Hunter	[illegible], Parkland Chevrolet Co., Inc. 50 Coxe Avenue	41 Lotus Place
Allen H. Patterson	[illegible], Carolina Power & Light Co. 8 O. Henry Avenue	6 Fairway Drive
[illegible]	Vice-President, Mortgage Loan Dept. Wachovia Bank & Trust Co.	2 Clarendon Road
[illegible]	Owner, Carolina Tire & Retreading Co. 77 Coxe Avenue	3 N. Kensington Road

Councilman Algary stated he hated to see the city go into the bus business, and thought the Council should think about this.

Councilman Algary stated he thought the city should allot to the new golf course the $100,000 it got from the Sale of Rhododendron Park and the more than $30,000 obtained from the sale of the old sanitary land fill on Riverside Drive, and that he would like to see this developed as a championship golf course; and the remainder of the property developed as a recreation area and maybe move the Zoo to this site.

The City Manager advised that he hoped to bring before the Council a contract to hire a golf course architect to lay out the proposed golf course, and the funds would be applied to such purpose at that time.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September [illegible], 1967 - [illegible] o'clock P. M.

The City Council met in regular session Thursday, September [illegible], [illegible] P. M. [illegible] P. M. Councilmen C. E. Mangum, Robert R. Crouch, J. W. McRary, [illegible], [illegible] Council O. E. Starnes, Jr.

[illegible]

[illegible]

[illegible]

[illegible]

A petition was received for a Southern Railway Industrial [illegible] and be [illegible] Zoning from RA-6 to Commercial.

[illegible] referred to the Planning [illegible] Commission [illegible].

Ordinance No. 583, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted on its third and final reading with the following vote:

Councilman McRary voted "Aye"
Councilman Mulvaney voted "Aye"
Councilman Crouch voted "Aye"
Councilman [illegible] voted "Aye"
Councilman [illegible] voted "Aye"
Mayor Eller voted "Aye"

ORDINANCE NO. 583

ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance #322 and the designated lot numbers, sheets and ward hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 Residential District to RA-M DISTRICT:

Ward 4, Sheet 2, Lots 206, 206-1/4, 206-1/2, 207, 207-1/4, 207-1/2, 208, 209, and Ward 7, Sheet 5, Lot 10

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 31 day of August, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

READ, approved and adopted, this 14th day of September, 1967, to become effective 29 day of September, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

[illegible]

The City Manager advised that the term of office of Douglas Bolton as a member of the Board of Directors of

The ... County Planning Council would expire on September 30, 1967.

Council ... that the attached resolution appointing member of the Board of Directors of the ... County Planning Council, which was upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

... Resolution will be found in Resolution Book #5 at page 115.

The City Manager ... the members of the Advisory Board for the Asheville-Buncombe County Youth Council ... the City.

... that the ... attached resolution appointing member of Advisory Board for the Asheville-Buncombe County Youth Council, which was upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

... Resolution will be found in Resolution Book #5 at page 116.

The City Manager ... a letter received from C. Edison Hill, Chairman of the Municipal Board of Elections, certifying the results of a ... held on September 12th on a proposed Ordinance prohibiting the addition of ... to the ... of the City of Asheville, and repealing ordinance passed in May, 1965 allowing the addition of ...

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

September 13, 1967

Mr. ...
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, September 12, 1967 an election was held upon a proposed Ordinance in the City of Asheville; and

WHEREAS, certified returns of said election on said proposed Ordinance were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A. M. on September 13, 1967; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all city polling precincts for said special election; and

WHEREAS, the results of said election shall be published immediately by reading at the front door of the City Hall; and

WHEREAS, ... certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the special election held on September 12, 1967 on the proposed Ordinance, and declaring the result thereof, together with sworn state-

Yours very truly,

S/ C. Edison Hill
Chairman

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE SPECIAL ELECTION HELD ON SEPTEMBER 12, 1967, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTION OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Special Election held on September 12, 1967 in the City of Asheville ... Election in the various precincts of the city, and this Board ... have been fully and determined:

(a) ... Special Election held in the City of Asheville on September ... had taken the necessary oath ...

... enumerated in their returns the number of votes cast for the ordi- ... for the ...

... by this Board.

... and this Board has judicially determined the result of the voting ... the tabulation of the returns of said election, which tabulation cor- ... such precincts at which such election was held, the number of legal ballots ... the total of such ... the number of legal ballots cast in each precinct against the ordinance,

PRECINCT | FOR THE ORDINANCE | AGAINST THE ORDINANCE
1 | ...2 | 73
2 | 226 | 408
3 | 267 | 351
4 | 184 | 824
5 | 148 | 851
6 | 211 | 712
7 | 145 | 434
8 | 81 | 104
9 | 89 | 313
10 | 154 | 191
11 | 144 | 72

	FOR THE ORDINANCE	AGAINST THE ORDINANCE
...	172	129
...	265	147
...	142	134
...	264	526
...	213	525
...	159	455
...	...	423
TOTALS	2928	6044

... this 12th day of September, 1967.

S/ C. Edison Hill

S/ Eugene P. Coston

S/ Alan H. Shaw
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
CITY OF BUNCOMBE) ss

Subscribed and sworn to before me, this 12th day of September, 1967

My commission expires:
June 6, 1968 (SEAL)

S/ Margaret Simms
Notary Public

Section 3. That from the canvass so made by this Board it is judicially determined and declared:

(a) That at said election 2928 votes were cast for the proposed Ordinance, and 6044 votes were cast against the proposed Ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said proposed Ordinance.

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Alan Shaw seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Edison Hill, Eugene Coston, Alan Shaw, and those voting against said resolution being None

We, the members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the Municipal Board of Elections at a meeting held on September 13, 1967, said record having been made in Minute Book #4, beginning at page 112 and ending at page 114, and is a true copy of so much of the proceedings of said Board as relate to the passage of the resolution hereinabove set forth.

WITNESS our hands this 13th day of September, 1967

S/ C. Edison Hill

S/ Eugene P. Coston

S/ Alan H. Shaw

The City Manager recalled that in the resolution passed by the City Council on August 17th he was directed to take administrative action to bring Community Facilities Projects and East Riverside Urban Renewal Project to referendum, and reported that he had held conferences with the various groups, and as a result of said conferences the plans for the Convention Center had been revised to a total cost of $4,000,000 with the site under consideration being parallel with the Expressway between Flint Street and Montford Avenue; that the plans for the Civic Arts Center had been revised to a total cost of $1,300,000, with the site being located in the first Urban Renewal Project opposite the City-County Plaza; that the city's share of the East Riverside Urban Renewal Project would be $1,400,000; with the total of all three projects being $6,700,000, which would fall within the city's 'debt limitation. The City Manager further reported that the Library Board issued a statement in August withdrawing from the bond election at this time because of inability to find a site, but requested that credit be reserved for this purpose

The City Manager suggested a target date for said referendum of December 5th, but advised that this election will have to be approved by the Local Government Commission and the bond attorneys will have to draft necessary actions by the City Council in calling the election, and if permitted to proceed using this date, will pursue the matter through the Local Government Commission and bond attorneys.

Councilman Sumner inquired about the make-up of the Ad Hoc Citizens Committee which recommended the above resolution, and the holding of special elections, and suggested a petition on the holding of this election.

Following the discussion, Councilman Crouch moved that the Council instruct the City Manager to proceed as for the presentation with the target date of December 5th, which motion was seconded by Councilman Morgan, and adopted by the Council, with Councilman Sumner voting "no."

The City Manager presented the statement showing the budget position of the city as of August 31, 1967.

Mr. Homer Smith presented a petition signed by 62 citizens requesting that the city construct a sidewalk along Clinton Street between Haywood Road and Sulphur Springs Road.

The City Manager stated the city would be willing to do this if cooperation of property owners can be secured, and that an investigation would be made into the matter.

Councilman M[illegible] inquiries of whether any inquiries have been received concerning the bus situation ... the City Manager reported there have been no further developments, and that a meeting of the Citizens Committee would be called in the near future for discussion.

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

The [illegible] to be 21, 1967 [illegible]

[illegible] at 4:00 [illegible] P. M. with Mayor [illegible] Council Members [illegible] Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager [illegible] and Corporation Counsel [illegible]

The minutes of the previous meeting were read and approved.

[illegible] stated that that he had had a conference with the [illegible] relative to the [illegible] and he did [illegible] had had a conference with this [illegible] had had with this [illegible] the [illegible]

[illegible] the report of Part 2, Sheet 2, Road 2 [illegible]

[illegible] study and report [illegible]

[illegible] the City Council had been discussed on several occasions, and the Council had [illegible] things [illegible] Transportation Authority that during the [illegible] City Coach Company in Winston-Salem, Mr. L. C. Myers [illegible] that he had conducted extensive investigations, including the Jones report; that after [illegible] and Mr. Myers had stated he thought a Transportation Authority [illegible] that Mr. Myers may be interested in a management contract [illegible]

The City Manager stated that in this city he knew of no private enterprise interested in trying to [illegible] and recommended that the present receivership of White Trans[illegible]portation [illegible] this year.

The City Manager advised that if a Transportation Authority is to be created, which is in the [illegible] that the Corporation Counsel should be directed to prepare the necessary [illegible]

Councilman Crouch moved that the Corporation Counsel be directed to so proceed, which motion was seconded by Councilman [illegible], adopted.

The City Manager stated that the Council discussed city license plate tax of $1.00, which is [illegible] all motor vehicles owned by residents of the City of Asheville, and that the Corporation Counsel is directed to prepare such ordinance for consideration by the Council at its next meeting; that there will be time to secure the license plates by January 1st.

In connection with the City license plates, the City Manager stated that an agreement may be worked out with the [illegible] license plates, and that the North Carolina Prison Department is now [illegible]

Councilman Crouch moved that the Corporation Counsel be directed to prepare such ordinance [illegible] which motion was seconded by Councilman Sumner and unanimously [illegible]

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 28, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 28, 1967, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. Grace Bell, President of Harvest House, on behalf of the Board of Directors, inviting members of the City Council and their wives to attend the Third Anniversary Tea on September 29th, from 1:30 to 3:30.

The City Manager advised that Mr. Lawrence C. Merchant had requested that he not be appointed a member of the City of Asheville Board of Alcoholic Control when his present term of office expires on November 13, 1967.

Councilman Mulvaney introduced resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 117.

The Corporation Counsel advised that, as requested, he had prepared an ordinance providing for the registration of motor vehicles within the City, and explained the provisions of the ordinance.

The City Manager stated he had been in contact with the North Carolina League of Municipalities regarding the license tags, and thinks this matter can be worked out.

Councilman Morgan then introduced Ordinance No. 584, being "AN ORDINANCE REQUIRING REGISTRATION OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised he had contacted the bond attorneys in regard to the Community Facilities and Flat Riverside Urban Renewal Project bonds, submitting a schedule that it was thought could be met, and the Local Government Commission was advised of this action. The City Manager further advised that the bond attorneys, Mitchell, Pershing, Shetterly & Mitchell, had advised that the schedule is approved, setting the dates of September 29th and October 6th for Publication of Notice of Intention, October 9th for Receipt of Application for approval of bonds by Local Government Commission, October 19th for passage of bond ordinances and election resolution by Council, October 20th and 27th publication of bond ordinances and notice of election, November 11th opening of registration books, November 25th closing of registration books, December 2nd Challenge Day, December 5th Election, and December 6th canvassing of election returns.

Councilman Algary discussed the progress being made by other cities, and stated he thought it was time for this city to do something.

Councilman Sumner stated other cities received taxes from other sources than real estate, such as tobacco, liquor, and others, and had a larger tax base.

Following the discussion, Councilman Algary introduced a RESOLUTION DIRECTING THE CITY CLERK TO CAUSE TO BE PUBLISHED THE NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF BONDS, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, adopted with Councilman Sumner voting "no."

Complete copy of resolution will be found in Resolution Book #5 at page 118.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of certain property off Swannanoa River Road requested by R. L. Bailey, seventeen lots on Hyannis Drive requested by property owners, and a portion of a lot on Merrimon Avenue containing the Tour-O-Tel Motor Court, all of which have been recommended by the Planning and Zoning Commission, and advertisement has been made.

There being no objection, Councilman McRary introduced Ordinance No. 585, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary stated the city has eight highway lanes across the French Broad River, but only two highway lanes through Beaucatcher Mountain; that he is not necessarily in favor of an open cut through the mountain, but does favor action on a second tunnel being taken right away.

Councilman McRary stated he does not favor the open cut.

The City Manager advised that the next steps must originate with engineers in Raleigh, and that it was his understanding a report would be made at an early date.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 5, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 5, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Ernest H. Lawing requesting the rezoning of Lots 94 and 93, Ward 6, Sheet 30, and this request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Dennis J. Winner, attorney for George Hughes, Earl Tipton and Alvin Tipton, requesting the rezoning of 381 Montford Avenue and 37 Watauga, and this request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 584, being "AN ORDINANCE REQUIRING REGISTRATION OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that by legislative restriction only residents of the city are required to purchase this license, and that this is a source of revenue other than ad valorem taxes left untapped and now is being put to use.

Ordinance No. 585, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager recalled that under the schedule for the proposed Community Facilities and East Riverside Urban Renewal Project Bonds it is necessary to file an application with the Local Government Commission.

Councilman Mulvaney then introduced resolution authorizing the Mayor to file application with the Local Government Commission for its approval of the proposed $6,700,000 Bonds, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, adopted with Councilman Sumner voting "no."

Complete copy of resolution will be found in Resolution Book #5 at page 119.

The City Manager recalled that a petition had been received from Asheville-Biltmore College, Inc. and The Christian School Association of Asheville, N. C., Inc. requesting the closing of a portion of Vivian Avenue, and advised that this was an unopened street but had been set aside on a public plat. The City Manager advised further that a resolution had been prepared setting the date of November 9th for a public hearing on the matter.

Councilman Crouch then introduced a resolution providing for a public hearing on a petition of Asheville-Biltmore College, Inc. and The Christian School Association of Asheville, N. C., Inc. to close a portion of Vivian Avenue, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 120.

The City Manager advised that he had received a proposal from Nathaniel C. W. Gennett, Jr., attorney for Kimble & Hill Aviation Corporation, to enter into a lease agreement, similar to that of Asheville Flying Service, to lease approximately four acres of land for a second fixed-base operation at the Asheville Airport; that the engineering details have not yet been worked out; and if this matter is referred to his office a description will be prepared of the property in accordance with the Master Plan of the Development of the Airport, and a lease agreement will be negotiated and brought back to the Council for consideration, which lease must also be submitted to the Federal Aviation Agency for approval.

During the discussion Councilman Sumner suggested that there be an annual guarantee of rent, and Councilman McRary suggested that money received from lease operations be put into a separate fund to be used for future improvements at the Airport.

Councilman Algary discussed the matter of space being needed at the airport by the airlines for freight operations, and also improvements being put on the tax books.

The City Manager advised that the Master Plan for Development of the Airport had been approved by the Federal Aviation Agency, which approval is effective until December 16, 1968 unless substantial changes are made, in which event such improvements must be approved by said Agency, and that this Master Plan provided space for warehouses for freight service.

Following the discussion, Councilman Crouch moved that the City Manager be instructed to proceed as above set out, and bring back an agreement in final form to the Council for consideration, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised the owners of seven slum houses have refused to make repairs to bring the structures into conformance with the housing code, that bids have been received for the demolishing of said structures, and that the cost will become a lien against the properties involved, said properties being located at 48 Soco Street, 365 State Street, 369 State Street, 291 Granada Avenue, 57 Black Street, 60 Greenrow Alley and 122 Pine Street, and the cost of demolishing same being $1,925.00.

Councilman Algary moved that the City Manager be directed to have said houses removed, and file the cost of such removal as a lien against the properties involved, which motion was seconded by Councilman Crouch and unanimously adopted.

Mr. John H. Holmes, on behalf of Greyhound Bus Lines, appeared before the Council and asked Council support of an application made to the Interstate Commerce Commission to operate through-bus service from Asheville, North Carolina to Chicago, Indianapolis, Detroit, Morristown and Tazewell, Tennessee, the said route to be over its present route to Newport, Tennessee and U. S. 25 east to Tazewell, Tennessee, and through-bus service to Spartanburg, S. C., and Charlotte, N. C., the said route being over its present route to Hendersonville, N. C. and U. S. 176 to Spartanburg, S. C., citing the time to be saved by such direct routing. Mr. Holmes advised that Trailways was opposing this action.

The City Manager stated that the cutting of travel time and the proposed service is good, and that the City should intervene in this respect, but the matter of who is to provide such service is for the Interstate Commerce Commission to decide.

Following a discussion, Councilman Algary moved that a resolution be prepared setting forth that the city is extremely interested in the proposed service, and that such service be awarded along the lines set out in the application, which motion was seconded by Councilman McRary and unanimously adopted.

Dr. Lorence Rapoport of 175 Windsor Road advised the Council that the owners of adjacent property have begun to construct a private road across their property, which work is being done by developers who some months ago asked the city to relocate part of Inglewood Road near Windsor Road so they could construct a motel and clubhouse nearby but outside the city limits, and suggested that the developers have begun work on the private road as a part of this project and would ask City Council to relocate the public street after they had finished rather than before, and questioned zoning rules and "good faith."

The City Manager advised that he had received no further word regarding the relocation of the road, but that the work now going on is on private property, violates no zoning restrictions, and the city has no authority over it.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Summerow
CITY CLERK

Thursday, October 12, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 12, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Councilman McRary asked if any provision would be made in the proposed lease with Kimble and Hill Aviation Corporation for the cancellation of said lease, and the City Manager advised that said lease would contain the same provisions as the lease now in existence with the A & H Flying Service, Inc.

Mr. J. T. Rice, representing the West Asheville Kiwanis Club, advised that this club had been selling city automobile tags as a means of raising funds for club projects, and the proposed ordinance requiring registration of motor vehicles within the city would take away the club's enterprise. Mr. Rice requested the Council to delay the passage of the ordinance for one year, in order to allow the club to raise funds for its 1968 budget.

The Mayor pointed out that the city needs the revenue from the license tax to help finance a Transportation Authority, since a Superior Court judge has ordered the liquidation by December 31st of the assets of White Transportation Company, and the City Manager suggested that the club sell the tags outside the corporate limits.

Following the discussion, Ordinance No. 584, being "AN ORDINANCE REQUIRING REGISTRATION OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed

on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 584

AN ORDINANCE REQUIRING REGISTRATION OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. MOTOR VEHICLES REQUIRED TO BE REGISTERED; PERIOD OF REGISTRATION; FEE. Every resident motor vehicle operated in the City of Asheville, except motor vehicles temporarily operated for a period or periods of time not exceeding a total of fourteen days during any one year, and except motor vehicles operated for car display or exhibition purposes by car manufacturers or dealers displaying dealers' license plates issued by the State of North Carolina, shall be registered with the City Tax Collector. The period of registration shall include the twelve months between January 1st and December 31st of the year of registration. The fee for registration shall be $1.00, or 50c after expiration of six months of the taxable year.

Section 2. TAX COLLECTOR TO ISSUE NUMBER PLATES OR STICKERS; DUPLICATION OF DESTROYED OR LOST PLATES OR STICKERS. For every registered motor vehicle the City Tax Collector shall issue to the person registering the vehicle an appropriate number plate or sticker. Upon satisfactory evidence that any such registration number plate or sticker has been lost or destroyed, the City Tax Collector shall issue a duplicate to the owner of such registered vehicle upon payment of 50c.

If deemed expedient and economical, the City Tax Collector may cause the issuance of said plates or stickers, and the collection of the fees therefor, to be made by another person, firm or corporation.

Section 3. WHEN AND HOW NUMBER PLATES OR STICKERS TRANSFERABLE. A number plate or sticker shall not be transferred from one individual to another and it shall not be used by any person upon any motor vehicle except upon the one for which it was issued; provided, however, that upon the sale or exchange of the vehicle for which the said number plate or sticker was issued the registration provided for herein shall inure to the benefit of the transferee during the remainder of the period of registration.

Section 4. MOTOR VEHICLES SHALL DISPLAY TOWN NUMBER PLATES OR STICKERS. Every motor vehicle operated on the streets of the City of Asheville for which registration is required shall, throughout the current issue year, display the assigned number plate or sticker in such manner as to be visible at all times.

Section 5. PENALTY FOR FAILURE TO PURCHASE TOWN NUMBER PLATE OR STICKER. The owner of any vehicle subject to registration as required in Section 1 that fails to register the vehicle by the 15th day of February of each year, or during the period of time of any extension of time available to the annual registration of motor vehicles by the State of North Carolina, shall pay to the City Tax Collector the sum of Five Dollars.

Section 6. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. EFFECTIVE DATE. This ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 28 day of September, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 12 day of October, 1967, to become effective 27 day of October, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 585, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 585

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 to NEIGHBORHOOD TRADING AREA:

Lots 46, 122, 128, 129, and 130, Ward 9, Sheet 7

(b) That the following described property be rezoned from RA-6 to INDUSTRIAL:

Lots 132, 133, 134, 135, Sheet 20, Ward 8

(c) That the following described property be rezoned from RA-6 to RA-10:

ard 9, Sheet 9, Lots 96, 97, 96 1/4, 105, 104, 108, 93, 94, 95, 102, 102 1/4, 98, 99; that portion of Lot 103 lying ithin the city limits; a lot beginning at a point at the southeast corner of Lot 102 and moving in an easterly direc- on along the north side of Hyannis Drive twenty feet to the southwest corner of Lot 95; then along the western boun- ary of Lot 95 North to 110.1 feet to the northwest corner of Lot 95; then in a westerly direction twenty feet to a oint located on the eastern boundary of Lot 102 and then return to the beginning point on the southeast corner of Lot 1; property belonging to Asheville-Biltmore College bordering on Hyannis Drive with a boundary common with Asheville ity Limit Line on the west and Lot 108 on the east; lot described in Deed Book 962 at page 517 owned by Heritage Homes; eat portion of land west of property described above south of Lot 103 East of Asheville City Limit Line and north of he north side of Hyannis Drive.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause of phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 28 day of September, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 12 day of October, 1967, to become effective 27 day of October, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 121.
Copy of agreement will be found attached to original resolution.

The City Manager advised that, as directed at the previous meeting, a resolution had been prepared relating to bus service and the hearing before the Interstate Commerce Commission, and that Mr. J. H. Quattlebaum had requested an opportunity to be heard on this matter.

Mr. Quattlebaum stated that he represented Continental Trailways, which controls Smoky Mountain Trailways, Carolina Scenic Stages and Queen City Trailways, explained his company's position in the matter, and requested the Council not to pass the proposed resolution, and to leave the matter to the carriers and the Interstate Commerce Commission.

Councilman Algary discussed the matter, stating that the only interest of the City Council was in better bus service, not who should provide it, and he thought the proposed resolution set forth the City's position.

Councilman Sumner stated that the Council does not know enough about the matter, that the Interstate Commerce Commission should handle it, and moved that the Corporation Counsel be instructed to appear at the hearing before the Interstate Commerce Commission and tell them the City is very much interested in the best service that Asheville can get, leaving it to the discretion of the Commission as to who should provide it, taking no position one way or the other, which motion was seconded by Councilman Mulvaney and adopted by the Council.

The City Manager presented the statement showing the budget position of the city for the period ending September 30, 1967.

Councilman Sumner again discussed the matter of the appropriation to the Chamber of Commerce, stating he thought no money was to be paid to the Chamber until the Council had a representative on the Executive Committee.

The City Manager advised that members of the Committee were elected the first of the year, and that the $17,500 already paid to the Chamber for industrial financing, and Councilman Morgan stated he did not see how the Chamber could operate a half year without an appropriation.

Councilman Algary asked whether city ordinances relating to smoke abatement and air pollution are still in effect since the creation of the Regional office, and the City Manager advised that these ordinances were still enforced in the city limits.

Councilman Algary discussed a recent letter directed to him in the press regarding statements made on the East Riverside Urban Renewal Project and the money to be provided by the Federal Government if the City supplied $1,400,000, stating that the defeat of the bond issue in March was a great blow to the city from an economic, housing and moral standpoint; that there were many demands on the Federal Government for such funds, but that the FHA had agreed to let the city hold its place in line pending another election on the question, and as to the question of where displaced people would live 200 housing units are to be constructed and will be ready for occupancy next year, the cut back of additional low rent housing units having been delayed until the future of the East Riverside area was finally determined.

Councilman Sumner stated he did not know the Mayor and City Manager had authority to ask that the money be held until another election, and Councilman Morgan stated the majority of the Council wanted this done.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 19, 1967 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 4:00 o'clock P.M., October 19, 1967.

Present: Mayor E. W. Eller presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Robert P. Crouch, T. E. Sumner and C. E. Morgan.

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

Absent: None

The minutes of the previous meeting were read and approved.

The City Manager advised that the application to the Local Government Commission for approval of the [illegible] Facilities and East Riverside Urban Renewal Project bonds had been approved by said Commission, and the [illegible] been notified that it may proceed with holding the election. The City Manager further advised that the [illegible] attorneys had set up the procedure to be followed in the calling of said election.

Councilman Sumner stated that he was opposed to any bond election at this time, and does not think the [illegible] in favor of it.

Councilman Crouch introduced in written form the following three ordinances authorizing bonds which were read:

ORDINANCE AUTHORIZING $4,000,000
AUDITORIUM BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the city at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

ORDINANCE AUTHORIZING $1,400,000
REDEVELOPMENT BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

ORDINANCE AUTHORIZING $1,300,000
CIVIC ARTS CENTER BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon Councilman Algary introduced the following resolution which was read:

RESOLUTION DESIGNATING THE CITY MANAGER
TO PREPARE AND FILE THE SWORN STATEMENT
OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who should make and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Algary, seconded by Councilman Mulvaney, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Complete copy of resolution will also be found in Resolution Book #5 at page 122.

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes.

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE
CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT
TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, J. Weldon Weir, City Manager of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Finance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the books in my office, not taking into consideration any debt incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds.

(a) GROSS DEBT

4(1) Outstanding debt, not evidenced by bonds . . . . . $ None

a(2) Outstanding bonded debt

Date of Issue	Designation	Amount
July 1, 1936	Water Refunding	$ 2,501,295.97
July 1, 1936	General Refunding	8,030,984.68
July 1, 1936	Beaverdam Water & Sewer Dist.	148,206.61
July 1, 1936	Caney Valley Water & Sewer Dist.	7,506.48
July 1, 1936	E. Biltmore Sanitary Sewer Dist.	7,000.00
July 1, 1936	Fairview Sanitary Sewer Dist.	None
July 1, 1936	Hazel Ward Water & Watershed Dist.	None
July 1, 1936	S. Buncombe Water & Watershed Dist.	53,690.01
July 1, 1936	Swannanoa Water & Sewer Dist.	245,921.82
Dec. 1, 1951	Water Bond of 1951	1,915,000.00
Dec. 1, 1957	Airport Bonds 1st Series	560,000.00
June 1, 1960	Airport Bonds 2nd Series	30,000.00
Nov. 1, 1961	Water Bonds of 1961	3,970,000.00
June 1, 1964	Grade Separation Bonds	180,000.00
June 1, 1966	Public Improvement Bonds	465,000.00
	TOTAL BONDED DEBT	$18,114,605.57

a(3) Bonded debt to be incurred under ordinances passed or introduced:
Auditorium Bonds $4,000,000
Redevelopment Bonds 1,400,000
Civic Arts Center Bonds 1,300,000

(a) GROSS DEBT, being the sum of a(1), a(2) and a(3) . . . . . $ 24,814,605.57

(b) DEDUCTIONS

b(1) Unissued funding or refunding bonds included in Gross Debt . . . . . $ None

b(2) Sinking Funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes . . . . . $ 2,456,000.00

b(3) Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt. . . . . $ None

b(4) Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some part of the gross debt . . . . . $ None

b(5) Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes . . . . . $ 8,386,295.97

b(6) The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt . . . . . $ None

b(7) Indebtedness included in gross debt and incurred for school purposes . . . . . $ None

(b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7) . . . . . $ 10,842,295.97

(c) NET DEBT

(c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b) . . . . . $ 13,972,309.60

(d) ASSESSED VALUATION

(d) ASSESSED VALUATION of property as last fixed for municipal taxation being the valuation fixed in 1967 . . . . . $ 204,744,134.00

(e) DEBT RATIO

(e) Percentage which the net debt bears to said assessed valuation . . . . . 6 . 82

The foregoing statement is true.

S/ Weldon Weir
City Manager of the
City of Asheville

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 19th day of October, 1967.

S/ Mary R. Wilkinson
Notary Public

My commission expires: Feb. 16, 1969
(Seal)

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement filed with me at a meeting of the City Council of said City on October 19, 1967, after the introduction and before the passage of three ordinances authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 19 day of October, 1967.

S/ Margaret Simmons
City Clerk

Thereupon, upon motion of Councilman Algary, seconded by Councilman McRary, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled:"ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS", as hereinabove set forth, was read a second time and passed upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller.

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS", as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS", as hereinabove set forth, was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: Councilman Sumner

Thereupon the ordinance entitled:"ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS", "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS", and "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS" and the resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinances and said resolution his approval of the forms thereof.

Thereupon, upon motion made by Councilman Morgan, seconded by Councilman Mulvaney, and adopted, the City Clerk was directed to publish the ordinances entitled: "ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS", "ORDINANCE AUTHORIZING $1,400,000 REDEVELOPMENT BONDS", and "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS" in The Asheville Times, once in each of two successive weeks, and to publish at the foot of said ordinances the appended note as required by The Municipal Finance Act, 1921, as amended.

Thereupon, Councilman Mulvaney introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond election is hereby called to be held on Tuesday, December 5, 1967, between 6:30 A.M. and 6:30 P.M., at which there shall be submitted to the qualified voters of the City of Asheville the questions stated in the notice of election set forth in Section 3 of this resolution.

Section 2. The Council has ordered a supplemental registration of voters not theretofore registered for such election, and the books for such registration will remain open from 9:00 A.M. to sunset on each day beginning Saturday, November 11, 1967, and ending Saturday, November 25, 1967. On each Saturday during said registration period the books will be open at the polling places. Saturday, December 2, 1967, will be Challenge Day.

Section 3. Notice of said election shall be published in The Asheville Times, at least 30 days before the date hereinabove fixed for the closing of the registration books, and again not later than 20 days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
and
SUPPLEMENTAL REGISTRATION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A.M. and 6:30 P.M., Tuesday, December 5, 1967, at which there will be submitted to the qualified voters of the City of Asheville the following questions:

1. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

2. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Each of the questions hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

A supplemental registration of voters not theretofore registered has been ordered for such election. The books for such registration will remain open from 9:00 A.M. to sunset on each day beginning Saturday, November 11, 1967, and ending Saturday, November 25, 1967. On each Saturday during such registration period, the books will be open at the polling places. Saturday, December 2, 1967, is Challenge Day.

The precincts and polling places at which the election will be held and the names of the election officers, subject to change as provided by law, are as follows:

PRECINCT	POLLING PLACE	REGISTRAR	JUDGES
	Court House	Mrs. Fay V. Lanning	John L. Ingle Floyd Evans
2	William Randolph School	John H. Hall	Mrs. Austa Nesbitt Reva M. Redmon
3	Claxton School	Mrs. Cecil Earp	Mrs. M. H. Saunders Mrs. Helen Bowers
4	North Asheville Community Center	Mrs. Eugene Bartlett	Gertrude Addington Mrs. Jennie Earp
5	Ira B. Jones School	Mrs. Mary L. Batchelor	Mrs. C. W. Dermid Mrs. Luther Oates
6	Haw Creek School	Mrs. Mary W. Flynn	Mrs. Frank Farrell Mrs. Loraine J. Bosse
7	Newton School	Gray McChesney	Thomas Posey Paul A. Bentz
8	Biltmore School	Mrs. Edith G. Shuford	Mrs. Virginia Sudderth Hobart Evans
9	Oakley School	Mrs. Ruth Kerley	Paul Williams Jack H. McGuinn
10	Livington Street School	Mrs. Willie Ford Hennessee	Eugene Smith Robert Black
11	South French Broad High School	Mary Lee Redmon	Mrs. Frances Shelton Mary Jo Lovengood

12	Hall Fletcher School	George S. Simpson	Mrs. Polly Bradley H. R. Logan
13	Eugene Rankin School	Mrs. Doris Fisher	Mrs. Fairlee Taylor Margie Hagen
14	Aycock School	Mrs. Pauline Brinkley	Mrs. R. H. Zimmerman Mrs. Barbara Moody
15	Vance School	Mrs. J. H. Parris	W. A. Goodson Mrs. F. W. Hancock
16	New West Asheville Fire Station	Mrs. W. M. Jones	Mrs. Richard Krickan Mrs. William Boyd
17	Asheville Art Museum, 325 Charlotte Street	Mrs. Theresa R. Jones	Evelyn Whitaker Mrs. Charlotte Saenger

By order of the Council of the City of Asheville, this 19th day of October, 1967.

MARGARET SIMMONS
City Clerk

Section 4. The persons whose names are mentioned in the foregoing form of election notice are hereby appointed registrars and judges, respectively, for the polling places therein set forth, and the election shall be held at such polling places.

Section 5. The form of the questions to appear in the ballot frame of the voting machines which are to be used at said election shall be substantially as follows:

QUESTION NO. 1

YES NO

SPECIAL BOND ELECTION

TUESDAY

December 5, 1967

Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

QUESTION NO. 2

YES NO

SPECIAL BOND ELECTION

TUESDAY

December 5, 1967

Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

QUESTION NO. 3

YES NO

SPECIAL BOND ELECTION

TUESDAY

December 5, 1967

Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 6. The Municipal Board of Elections is hereby authorized and directed to perform all of the duties necessary for the calling and holding of said special bond election.

Section 7. The City Clerk is hereby directed to immediately certify a copy of this resolution to said Municipal Board of Elections.

Section 8. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Corporation Counsel

Mayor

City Clerk

Upon motion of Councilman Mulvaney, seconded by Councilman Morgan, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller.

Nays: Councilman Sumner

Thereupon the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

A letter was received from Mr. Nancy Russell Parker requesting the rezoning of Lot 80, Sheet 19, Ward 8, which request was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by five property owners requesting the rezoning of certain property on Patton Avenue was received, and this request was referred to the Planning and Zoning Commission for study and recommendation.

Mr. Blanton Wright again requested the Council to construct a fifth lane for left turns on Tunnel Road between the Beaucatcher Tunnel and Haw Creek Road, stating that the Council had previously reserved $100,000 for the project, and a local contractor had estimated the work could be done for $25,000 over a three week period. Mr. Wright quoted a letter from J. G. Gibbs, assistant state right of way agent for the State Highway Commission, who reported the State Highway Commission holds a valid right of way extending 50 feet south from the center of Tunnel Road.

The City Manager advised that the city has requested the State Highway Department to establish the center line of the right of way, but this information has not yet been provided.

A delegation of citizens from the North Asheville section of the city appeared before the Council to protest the construction of a road being cut across some of the property of Mitchell Wolfson, stating this was the beginning of a proposed clubhouse and motel in connection with the Beaver Lake Golf Course. Mr. Jed Davidson, spokesman for the group, asked the Council to zone this property to RA-10, and further not to approve the relocation of Inglewood Road. Other speakers included Robert E. Hipps, Dr. John F. Barber, and Lorence Rapoport.

The City Manager advised that there is no request before the Council at this time to relocate Inglewood Road, and further that a road cannot be relocated except by due process. The City Manager further stated that the two lots in question are not within the city limits.

Councilman McRary inquired about zoning outside the city limits, and the City Manager stated that a request had been made to the Planning and Zoning Commission sometime ago, but this could not be carried out until tax maps are made for the entire area.

The City Manager further advised that a study of Lots 241 249, Ward 9, Sheet 23 will be made immediately, in order to determine the exact status of these lots, and a report made to the Council.

On the question of annexation the City Manager advised that corporate limits may be extended by ordinance of the Council, but the city must be in position to render uniform services to all annexed areas.

Mr. Robert Hipps and Dr. John Barber suggested that the city undertake a study regarding extension of the city limits.

Councilman Sumner then moved that the City Manager make a city-wide annexation study, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager advised that a lease similar to the lease with A & H Flying Service had been prepared for Kimble & Hill Aviation Corporation, which lease must be submitted to the FAA for approval.

Councilman Morgan then introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with Kimble & Hill Aviation Corporation for a fixed base operation at the Asheville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 126.
Copy of Lease will be found attached to original resolution.

The City Manager advised that proposals had been received from B. Wayne Coulter; Ridgley K. Robinson, Jr. and George W. Cobb; and Register and Cummings to design the Richmond Hills golf course and recreation area.

Following a discussion, Councilman Crouch moved that the City Manager, after reviewing the proposals, select the best offer and report back to the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 26, 1967 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, November 2, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 2, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending no change on the requests of Cecil J. Taggart, et als; Emil D. Young; Leslie D. Briggs, et als; Ernest H. Lawing; recommending request of Mrs. L. Dale Thrash be granted; and further recommending that the ordinance be amended to provide for alternate members to the Board of Adjustment.

November 2, 1967

Honorable Mayor
Members of City Council
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Planning and Zoning Commission held Wednesday, November 1, 1967, the following actions were taken:

1. Cecil J. Taggart, et al - requested that lots 79, 80, 81, 82, 83, 105, 106, and 107, Ward 8, Sheet 19, and lots 68, 69, 24, 25, 26, 27, 28, and 29, Sheet 35, Ward 8, be rezoned from RA-6 Residential to Roadside Business Area.

The Commission unanimously recommended that this request be denied

2. Mr. Emil D. Young - requested that lot 2 1/2, Sheet 2, Ward 3 be rezoned from RA-M Residential to Commercial

The Commission unanimously recommended that this request be denied.

3. Mr. Leslie D. Briggs, et al - requested that property located at 1500, 1516, 1526, and 1540 Patton Avenue be rezoned from NTA (Neighborhood Trading) to Business.

The Commission unanimously recommended that this request be denied.

4. Mr. Ernest H. Lawing - requested that lot 94, Sheet 30, Ward 6 be rezoned from RA-6 Residential to NTA (Neighborhood Trading).

The Commission unanimously recommended that this request be denied.

5. Mrs. L. Dale Thrash - requested that lots 4, 1 3/4, Sheet 24, Ward 5, be rezoned from RA-8 Residential to Commercial.

The Commission unanimously recommended that lot 4, Sheet 24, Ward 5 be rezoned to Commercial, and lot 1 3/4, Sheet 24, Ward 5 be rezoned to Restricted Business.

6. Amendment of Zoning Ordinance to provide for alternate members on the Board of Adjustment

The Commission unanimously recommended that the Zoning Ordinance be amended to permit the City Council to appoint five alternate members, in addition to the regular members, on the Board of Adjustment. A suggested Ordinance is enclosed herewith.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

The recommendations of no change were accepted as information by the Council.

There was a discussion concerning the appointment of alternate members to the Board of Adjustment. Following the discussion, Councilman Mulvaney moved that an ordinance be prepared complying with the recommendation of the Planning and Zoning Commission on the request of Mrs. L. Dale Thrash and the appointment of alternate members to the Board of Adjustment, and that the City Clerk give notice of a public hearing on same, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager advised that it was necessary to enter into an agreement with the State Highway Commission regarding right of way costs in the proposed widening of Patton Avenue west of Smoky Park Bridge.

The following resolution was offered by Councilman McRary and a motion was made by Councilman McRary that it be adopted; this motion was seconded by Councilman Mulvaney and upon being put to a vote was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway im-

movements within the City of Asheville consisting of the Construction and improvement of U. S. Highway 19 and 23 (Patton Avenue) as shown on the plans of Project W. O. 9.7130202, Buncombe County; said project having right of way widths as shown on the plans of Project W. O. 9.7130202, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any right which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or publicly owned utilities without expense to the State Highway Commission, and without cost to said Commission, provide for the [illegible], relocating or repairing of any necessary municipally owned electric lines, water, sewer, or other [illegible] conduit, together with all necessary house or lot connections or services extending to the [illegible] made necessary by the widening of existing or the construction of new [illegible] located [illegible]; the Commission will, in accordance with Section 307-3.3 of the Standard Specifications [illegible] have the contractor adjust the existing manholes, valve boxes and [illegible] within the limits of the project that have to be raised or lowered two feet or less to conform to the [illegible] by the Municipality in accordance with the Municipal Owned Utility Policy of the Commission adopted at the regular meeting of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(2) [illegible] to the cost and expense of acquiring all of the rights of way necessary for the location and construction of said project and the removal therefrom of all obstructions of any kind or character necessary for the construction thereof to the extent of ten (10) per cent of the total cost thereof to be paid in one (1) installment with the [illegible] of said installment being July 9, 1968, the proportionate part that the Municipality will pay based on cost estimates to be adjusted when the actual cost figures are determined.

(3) Authorizing the State Highway Commission to withhold so much of the Municipality's share of funds allocated to the Municipality by the General Statutes of North Carolina, Section 136-41.1, in the event the Municipality fails for any reason to pay said Commission for said right of way costs, in accordance with the provisions for [illegible] herein provided, until such time as said Commission has received payment in full for said right of way costs.

(4) Entering into an agreement with the State Highway Commission as to establishing and maintaining [illegible] controls for the regulation and movement of traffic on said project.

NOW THEREFORE, BE IT RESOLVED that Project W. O. 9.7130202, Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville, and that the Mayor and City Clerk (or Manager) of this Municipality are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

The foregoing resolution was passed and adopted the 2 day of November, 1967.

A complete copy of resolution will also be found in Resolution Book #5 at page 127.

The City Attorney Counsel advised that, as requested by the Council, an ordinance creating a Transit Authority had been prepared, and discussed the various provisions of the ordinance, and answered questions concerning same.

Councilman Sumner stated he thought there should be a provision in the ordinance concerning per diem pay for members of the Authority.

Following the discussion, Councilman Morgan introduced Ordinance No. 586, being "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE TRANSIT AUTHORITY", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported that the lots on Inglewood Road discussed at the previous Council meeting were within the corporate limits of the City and were zoned RA-10, and that it is his understanding that the construction in progress on this property is a cartway for golfers.

Dr. John F. Barber then presented a petition, signed by some 144 residents in the area, opposing the construction of a clubhouse-motel complex, and requesting the Council to annex that tract or area of land located on both sides of Inglewood Road and being approximately seven acres in size, and after annexation that said property be zoned RA-10.

Mr. B. Paul Goodman, stating he represented only himself but is chairman of the Attractions Committee, of the Chamber of Commerce, opposed the petition, advising that Mr. Wolfson has done much over the years to keep Lakeview Park on a top residential basis, and further that the construction of the motel-clubhouse complex might be conducive to formation of a membership or private club which can possibly put the golf course on a permanent paying basis whereby its continuity will be assured and it will be available as an attraction for convention delegates.

Councilman Algary stated that this beautifully kept golf course is a real asset to the community, and one of the reasons why people bought property in the area, and that he thought a nice club house would serve the area well.

Mr. Blanton Wright again spoke on the fifth turning lane on Tunnel Road, and presented a copy of a court judgment regarding the center line.

Mr. Wright presented Chamber of Commerce figures from various cities in North Carolina which he contended show that Asheville property owners pay higher taxes including water bills than such cities as Charlotte, Fayetteville, Winston-Salem, Greensboro, High Point, Raleigh and Wilmington.

The City Manager stated that some of the figures were based on old property rates in other cities, which have since been raised, and that his office has asked for similar figures and will have them available in a week. The City Manager further stated that on the initiative of the City Council the people within the city have assumed the responsibility for water in order to promote industrial growth in the area, and have done this in spite of the fact that 1/4 of the water consumers are outside the city limits and the city is restricted by legislative act from charging more for water outside the city.

There being no further business, the meeting was upon motion adjourned.

City Clerk

Margaret Sizemore
CITY CLERK

Thursday, November 9, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 9, 1967, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, Robert E. Crouch, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved

A petition was received from S. D. Stroup requesting the rezoning of a portion of Lot 83, Sheet 11, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 586, being "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE TRANSIT AUTHORITY, was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager advised that a lease had been negotiated with W. M. Newton, Sr. and wife for certain property on Hiawassee Street to be operated as an off-street parking facility, which property would park 32 cars.

Councilman Crouch then introduced resolution authorizing Mayor to execute lease with W. M. Newton, Sr. and wife for operating off-street parking facility by city, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 128.
Copy of lease will be found attached to original resolution

The City Manager advised that George W. Cobb and Ridgley K. Robinson, Jr. had been selected as the architect and landscape engineers for the proposed Richmond Hills Golf Course and recreation area.

The City Manager advised that today is the date set for the public hearing on the proposed closing of a portion of Vivian Avenue, an unopened street, and that due advertisement had been made of said public hearing.

There being no objection, Councilman Morgan introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Vivian Avenue, an unopened street, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 129.

Mr. H. B. Stroup and Mr. Jack Nivens of the Optimist Club requested permission to carry out plans for Youth Appreciation Week November 13th through the 19th, with next Thursday as Youth Day.

The City Manager advised that all city departments, and especially Mrs. Joyce, the Youth Council Coordinator, will be glad to cooperate in this project.

Councilman Algary stated that he had just completed a tour of the new sewage disposal plant, and suggested that the Metropolitan Sewerage District hold an "open house" for the public at this facility so that the public could

...how public funds are being spent.

The City Manager stated he would discuss this matter with the Engineer-Manager, Mr. Johnson, and see if this could be worked out.

Councilman Albery discussed the matter of uncollected taxes, stating that personal property taxes should be due and payable within the calendar year, and that real property taxes should be paid within a reasonable time or suit instituted. Councilman Albery further stated that these problems are continuing, but that the proper officials should be encouraged to take the necessary steps to collect these taxes.

Councilman Sumner stated that every fifteen or twenty years the legislature passes an act cancelling out back taxes, and he stated this is one reason why some property owners don't bother to pay their taxes.

Councilman McRary inquired what services the county renders for its share of the taxes, and the City Manager advised that the county has the basic responsibility for the schools, welfare and health programs, court system, and law enforcement.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 16, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 16, 1967, at 4:00 o'clock P. M. with Mayor ... presiding. Present: Council men E. M. Mulvaney, T. B. Sumner, J. W. McRary, C. F. Morgan, City Manager ... and Council man O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Community Baseball Inc. endorsing the city's efforts to obtain a contract with ... organization for a term of three years to provide a team in the Southern League for Asheville.

A letter was received from the Asheville Manufacturing Company, Inc. requesting the city's cooperation ... service to the company's new plant on the Weaverville Highway.

The Mayor advised that the newly created Transit Authority will hold its organization meeting on Monday, ... and it will be reported to the Authority.

... ordinance entitled "AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE TRANSIT ... motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and ... which the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 586

"AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE BODY KNOWN AS THE ASHEVILLE TRANSIT AUTHORITY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It is hereby declared that the public welfare and interest of the citizens of the City of Asheville will be best served by the establishment, or continuation of a public transportation system. To that end there is hereby created and established an administrative agency of the City of Asheville, to be known as the "Asheville Transit Authority," hereinafter referred to as "Transit Authority." The Transit Authority shall be composed of five (5) members, and the members may be increased if, in the discretion of the City Council, such increase in members is indicated. No person shall be eligible as a member of the Transit Authority, who holds any other elective or appointive public office or employment, or who is employed by or has any financial interest in a transit company regulated by the Transit Authority.

Section 2. The term of office of all members shall be five years, except certain of the original members, hereinafter named, with staggered terms, so that the term of one or more of said original members shall end on December 31st of each year, beginning with 1968. Any member may be relieved of service at any time, in the discretion of the City Council.

Section 3. The original members of the Transit Authority have previously been appointed by the City Council as follows: Carl A. Bufflap, Jr., whose term shall expire on December 31, 1968; J. Nick Davis, whose term shall expire on December 31, 1969; Allen H. Patterson, whose term shall expire on December 31, 1970; Hal F. Starnes, whose term shall expire on December 31, 1971; and Norman Sultan, whose term shall expire on December 31, 1972. Members shall serve with full powers until a successor has been appointed.

Section 4. Vacancies in membership of the Transit Authority, resulting from expiration of office, or otherwise, shall be filled by appointment by the City Council.

Section 5. The Mayor of the City of Asheville shall designate the time and place of the first formal meeting of the Transit Authority, at which meeting, or an adjournment thereof, the Transit Authority shall organize by selecting one of its members as the Chairman, and another as Vice Chairman, each to serve for one year, or until a successor shall have been named by the Transit Authority. The Transit Authority may appoint a Secretary, who need ...

... be a member thereof. A majority of the members of the Transit Authority shall constitute a quorum for the transaction of business. The affirmative vote of a majority of a quorum shall be necessary to take any action or to adopt ... ordinance.

Section 6. The Transit Authority shall hold public meetings at least twice annually, at a time and place ... to be determined by its members. The Transit Authority shall hold such additional meetings, either private meetings, ... or public meetings, as its business may require. Reasonable notice to the public shall be given of public meetings.

Section 7. The Transit Authority is vested with and shall exercise general supervision, regulation, and ... control over the public or mass transportation facilities within the City of Asheville, excluding taxicabs. This shall include, but not be limited to, motor bus transportation, street railway transportation, and such other mass transportation systems within the City as may be hereafter developed. The Transit Authority shall have the power and authority to control the type and kind of public transportation system within the City, and including the fares charged, and the routes and schedules to be operated; to negotiate and enter contracts or agreements with public transportation companies or systems; the power to make application to the Federal Government or State Government, or any other governmental agency or body, of any type, for financial assistance or any other service and assistance that may be available to make such ... reasonable rules and regulations deemed appropriate to carry out its function as an effective administrative or regulatory agency; to operate a public transportation system, and to do such things reasonably necessary to accomplish this, including acquiring property or services incidental thereto; in general, the Transit Authority shall have and be vested with all power and authority heretofore delegated to or vested in the City of Asheville, and all duties placed upon the City Council, either by its Charter, or by Legislative enactment, or by common law, are hereby transferred to and vested in the Transit Authority, in as full and complete manner as the City of Asheville is empowered to make said transfer. Provided, however, no franchise to operate a public utility shall be granted, except upon referendum, as set forth in the Charter of the City of Asheville, or in the General Statutes of North Carolina. Nothing herein shall be construed as depriving the citizens of the City of Asheville of the right to grant franchises by referendum, through the procedure now established by law.

Section 8. The Transit Authority may utilize the services of the Corporation Counsel, or his office, or obtain other legal counsel, as the need therefor arises. The Transit Authority may likewise employ special temporary counsel, auditors, advisers, or transit experts, to be paid such compensation for their services as the Transit Authority shall determine to be reasonable, the same to be paid out of the funds available for defraying the expenses of the Transit Authority.

Section 9. In the exercise of its duties, the Transit Authority is authorized to employ appropriate personnel, and to designate the duties and salaries of such personnel, and to incur any and all other necessary expenses incident to the exercise of the duties of the Transit Authority. Such personnel shall come under the provisions of the Civil Service Act of the City of Asheville, and shall have the same service and retirement status as general employees of the City.

Section 10. The members of the Transit Authority shall serve without compensation, but may be paid or reimbursed any necessary and essential expenses incurred by them in carrying out their duties.

Section 11. Any person aggrieved by any decision, ruling or determination of the Transit Authority shall have the right of appeal and review thereof to the City Council.

Section 12. All property, rights and things acquired by or for the Transit Authority, under the provisions of this Act, shall be acquired, held, and conveyed in the name of the City of Asheville.

Section 13. The Transit Authority may receive from the City of Asheville, or such other governmental agency or body, such funds as may be available or for which the Transit Authority, or the City of Asheville might qualify, for the operation of the Transit Authority. A full accounting shall be given the City of Asheville at least annually, or at such other reasonable times as the same may be requested by the City Council. The services of the City Accounting Department may be utilized in such manner, and at such times, as may be requested by the Transit Authority.

Section 14. If the Transit Authority shall become the operator of a public transportation system, it shall manage and operate such system in an efficient manner, so as to enable it to fix rates of fare for passengers at a reasonable level, consistent with safe, adequate, and proper service. The Transit Authority shall not acquire nor operate any such public transit system for a profit or as a source of revenue to the City of Asheville.

Section 15. The provisions of this Act are severable and if any section or part thereof shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Act., it being the declared intent of the City Council that this Act would have been adopted, had such invalid or unconstitutional provision not been included herein.

I move the adoption of the foregoing ordinance, this 2 day of November, 1967.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 16 day of November, 1967, to become effective 1 day of December, 1967.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager reported that he had conferred with officials of the Cincinnati Reds Baseball Club, and, after a field inspection trip, they are anxious to enter into an agreement to lease McCormick Field for a three year period, with option to renew, and place a baseball team in Asheville to play in the Southern League; the Reds organization to pay for utilities at the field, and the city to maintain the facility, which the City does now in connection with its parks and recreation program.

Following a discussion, Councilman Morgan introduced a resolution providing for leasing of McCormick Field in order to provide baseball for Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 130.
Copy of lease will be found attached to original resolution.

The City Manager advised that the Recreation Advisory Board has recommended a plan for long-range [illegible] over a period of ten to fifteen years, and that the first improvement to be made is the erection of a new front at the zoo to contain administrative offices and provide more space inside the old [illegible] which project would be paid for from a fund of some $42,000 received [illegible] which also included the roof skating rink.

The City Manager advised that without objection from the Council, he would arrange to have contracts drawn [illegible] for approval.

The City Manager presented the statement showing the budget position of the city for the period ending October 31, 1967.

[illegible] requisitions in the city government as a part of the C[illegible] presented to the Council.

[illegible] thanked the Council and the Optimist Club for [illegible] appropriations, and advised that he hoped this would [illegible]

[illegible] graphics and asked for a resolution permitting additional [illegible] a flat fee of $10.00 a month in areas where [illegible] which would give the resident time to have repair[illegible] are to go around and follow up complaints, and that [illegible] know whether he has a leak in his water pipe [illegible] with checking the dials in the meter for three minut[illegible]

[illegible] charging for water which escapes through [illegible] the water that goes the house the customer gets a 75% reduction in the [illegible] if the leak is within the house, the customer gets a 50% [illegible] City Manager stated that if a charge was not made for [illegible] that this matter would be reviewed with the staff and a report [illegible] that a special man is already investigating complaints of this [illegible]

[illegible] the meeting adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 23, 1967 - 4:00 o'clock P. M.

[illegible] the [illegible] meeting of the City Council was held on November 23, 1967.

Margaret Simmons
CITY CLERK

Thursday, November 30, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 30, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from O. E. Starnes, Jr. submitting his resignation as Corporation Counsel due to having moved his home outside the city limits.

This resignation was accepted with deep regret by the Council, and several members expressed their appreciation to Mr. Starnes for his services as Corporation Counsel.

Councilman Algary discussed the loss of good citizens and valuable leadership due to moves outside the city, and stated he thought it was necessary for the city to grow and expand.

Councilman Morgan moved that Robertson Wall be appointed as Corporation Counsel, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the zoning request of Mrs. L. Dale Thrash, and the amendment to the Zoning Ordinance to provide for appointment of alternate members to the Board of Adjustment, both of which have been recommended by the Planning and Zoning Commission and that due advertisement has been made.

There being no objection, Councilman McRary introduced Ordinance No. 587, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Miss Fannie McCoy spoke in opposition to the proposed bond election, metropolitan government, and fluoridation of the city water supply.

Mr. Starnes stated he thought it was unfortunate that most of the voices speaking at Council meetings were irresponsible; that when reasonable voices were heard, they were lost between the irresponsible ones; and that it was unfortunate that more of the responsible and reasonable people of the city did not appear before the Council to express their views.

Mayor Eller advised that in order to canvass results of the bond election to be held on December 5th it would be necessary to recess this meeting until Wednesday, December 6, 1967, at 10:00 A. M.

Councilman McRary moved that this meeting be recessed until 10:00 A. M. Wednesday, December 6, 1967, which motion was seconded by Councilman Mulvaney and unanimously adopted.

MAYOR

Margaret Simmons
CITY CLERK

Wednesday, December 6, 1967 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in recessed session at the City Hall, the usual place of meeting, at 10:00 o'clock A. M., on December 6, 1967.

Present: Mayor E. W. Eller, presiding, and Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan.

Absent: None

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

Councilman Crouch introduced in written form the following resolution, which was read:

RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 5, 1967, AND DETERMINING AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on December 5, 1967, in the City of Asheville having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare:

(a) That each registrar and judge for said special bond election was duly qualified by law and had taken the necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against the questions submitted, but also the number of voters registered and qualified to vote in each precinct in said special bond election.

(c) That at said special bond election there were submitted to the qualified voters of said City the following questions:

1. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

2. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3. Shall an ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

(d) That no complaint has been made to the Council against the regularity of said election.

(e) That said election and the registration therefor were duly and properly held in accordance with law.

Section 2. That the following schedule correctly shows the designations of the several precincts at which said election was held and, as to each precinct, the location of the polling place, the number of voters registered and qualified to vote in each precinct, the number of votes cast in favor of each question submitted, the number cast against each question and the totals of such numbers:

Precincts	Polling Places	Voters registered and qualified to vote	Question 1 Votes for	Question 1 Votes against	Question 2 Votes for	Question 2 Votes against
1	Court House	918	557	46	534	41
2	William Randolph School	3371	507	305	445	325
3	Claxton School	3110	465	332	398	333
4	North Asheville Community Center	2674	800	368	729	400
5	Ira B. Jones School	2388	795	398	738	414
6	Haw Creek School	2810	551	547	455	580
7	Newton School	1777	426	281	366	316
8	Biltmore School	1086	116	143	89	150
9	Oakley School	1642	120	385	86	391
10	Livingston Street School	1215	780	77	716	67
11	South French Broad High School	1243	465	140	447	138
12	Hall Fletcher School	1179	246	274	216	270
13	Eugene Rankin School	1181	195	296	165	298
14	Aycock School	1372	194	224	149	236
15	Vance School	3210	441	686	379	706
16	New West Asheville Fire Station	2312	326	469	273	480
17	Asheville Art Museum, 325 Charlotte St.	1636	470	214	431	229
	Totals	33,124	7454	5185	6616	5374

Precincts	Polling Places	Voters registered and qualified to vote	Question 3 Votes for	Question 3 Votes against
1	Court House	918	531	43
2	William Randolph School	3371	434	339
3	Claxton School	3110	410	313
4	North Asheville Community Center	2674	719	416
5	Ira B. Jones School	2388	688	459
6	Haw Creek School	2810	452	595
7	Newton School	1777	367	316
8	Biltmore School	1086	96	149
9	Oakley School	1642	91	384
10	Livingston Street School	1215	724	76
11	South French Broad High School	1243	444	123
12	Hall Fletcher School	1179	220	270
13	Eugene Rankin School	1181	167	305
14	Aycock School	1372	152	230
15	Vance School	3210	375	718
16	New West Asheville Fire Station	2312	274	489
17	Asheville Art Museum 325 Charlotte St.	1636	420	239
	Totals	33,124	6564	5464

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 33,124 voters were registered and qualified to vote.

(b) That at said election 7454 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5185 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

(c) That at said election 6616 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commisssion of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5374 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

(d) That at said election 6564 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5464 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Robertson Wall
Corporation Counsel

Mayor

City Clerk

Upon motion of Councilman Crouch, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 5, 1967, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 5, 1967, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman Morgan introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION
OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD
ON DECEMBER 5, 1967.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on December 5, 1967.

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on December 5, 1967

At a special bond election held in the City of Asheville on December 5, 1967, 33,124 voters were registered and qualified to vote.

At said election 7454 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $4,000,000 for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5185 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

At said election 6616 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount

not exceeding $1,400,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5374 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

At said election 6564 votes were cast for the ordinance passed on October 19, 1967, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $1,300,000 for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theatre, amphitheatre, concert halls, art museum, museums of history and natural history, and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 5464 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted in favor of said ordinance.

This statement is given by order of the City Council of the City of Asheville, this 6th day of December, 1967.

Mayor

Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

MARGARET SIMMONS
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Corporation Counsel

Mayor

City Clerk

Upon motion of Councilman Morgan, seconded by Councilman Mulvaney, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 5, 1967" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 5, 1967" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

The City Manager stated that, without objection by the Council, he would report the results of said election to the officials of HUD, and this will start in motion HUD's share of the Urban Renewal Project in this community.

The City Manager advised that the FAA requires that a non-discrimination clause be inserted in the lease with Kimble & Hill Aviation Corporation for the fixed base operator agreement at the Asheville Airport, and that an amendment to the lease containing this provision has been prepared.

Councilman Mulvaney then introduced a resolution authorizing Mayor to execute amendment to lease with Kimble & Hill Aviation Corporation in connection with property at the Asheville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page
Copy of Amendment to Lease will be found attached to original resolution.

The City Manager advised that the State Highway Commission feels that the thoroughfare planning studies should be up-graded, and that an agreement has been prepared with the State Highway Commission concerning this.

The following resolution was offered by Councilman McRary and seconded by Councilman Crouch and upon being put to a vote was carried unanimously on the 6th day of December, 1967:

THAT WHEREAS, thoroughfare planning studies are considered to be of utmost importance for the proper development of the highway system of the State of North Carolina and street systems of the several municipalities for the safety and convenience of the traveling public; and

WHEREAS, thoroughfare planning studies are a necessary expense of the City of Asheville in order to provide for the proper development of its street system and for the safety and convenience of the traveling public; and

WHEREAS, an agreement has been prepared in writing to establish the respective obligations of the State Highway Commission and of the City of Asheville in said thoroughfare planning studies; and

WHEREAS, said agreement provides that this Municipality participate with the State Highway Commission in said program to the extent of:

(A) Cooperating with the State Highway Commission in every way in the conduct of the thoroughfare planning studies and providing the State Highway Commission with: (1) needed research materials, data, and records of the Municipality; (2) needed topographic mapping and aerial photographic coverage of the study area; (3) surveys and forecasts of all necessary population, economic, and land use factors by traffic zones; (4) an inventory of the physical features of the streets and highways and traffic control regulations and devices inside the study area; (5) available data on the type, frequency, and location of accidents inside the study area; (6) a review and analysis of State, regional, and local land use controls related to the traffic carrying capability of, and public investment in, transportation facilities; (7) a survey and analysis of the ability of local governmental units to finance needed improvements; (8) available flood hazard information; and (9) a study of social and community value factors as they relate to transportation planning.

(B) Being responsible for such studies as are necessary for determining the present and future role of public transit in the Study Area and for studying and making specific recommendations for alleviating any determined parking supply shortage in the Asheville central business area.

(C) Sharing in the costs and expenses of the thoroughfare planning studies by providing to the State Highway Commission the work, materials, and information as listed in paragraph (A) above at no cost to the State Highway Commission

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

That the Agreement bearing date December 6, 1967, entitled "AGREEMENT FOR THE PERFORMANCE OF THOROUGHFARE PLANNING STUDIES BETWEEN THE NORTH CAROLINA STATE HIGHWAY COMMISSION AND THE CITY OF ASHEVILLE, NORTH CAROLINA" be, and the same is hereby approved by the City Council of the City of Asheville and the Mayor and City Clerk are authorized and directed to execute and deliver said contract.

Complete copy of resolution will also be found in Resolution Book 5 at page
Copy of contract will be found attached to original resolution.

A request was received from J. V. Shoemaker and G. B. Ledford that two unnamed and unopened streets off of Louisiana be closed.

The City Manager advised that it will be necessary for the Engineering Department to make a study of this request, and to then follow the usual procedure of a public hearing following due advertisement.

The request was referred to the City Manager.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 14, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 14, 1967 at 4:00 o'clock P. M. with Mayor [illegible] Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, [illegible] Sumner, F. M. Mulvaney, J. W. McRary, [illegible] E. Crouch, City Manager Weldon Weir and Corporation Counsel Robertson Wall/

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF [illegible] - (Portion of Lot [illegible], Sheet 11, Ward [illegible] - L. D. Stroup

A letter was received from the Planning and Zoning Commission denying the rezoning of a portion of Lot [illegible], Sheet 11, Ward [illegible] as requested by Mr. L. D. Stroup.

December 6, 1967

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Planning and Zoning Commission at its regular meeting held December 6, 1967, recommended that the zoning request of Mr. L. D. Stroup (to rezone a portion pf Lot 83, Sheet 11, Ward 5) be denied.

[illegible] have been submitted indicating that Lot 83 had been subdivided, and [illegible], each lot resulting therefrom must front on a public street.

Sincerely yours,

S/ Anthony Redmond

Anthony Redmond
Secretary

[illegible] was received from Rudolph and Elise Gay requesting the rezoning of property on Clingman [illegible], Ward 4, from residential to commercial.

[illegible] was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by 16 property owners on Patton and Ormond Avenues was received, requesting the [illegible] property at 1.00 Patton Avenue from neighborhood trading to residential.

[illegible] was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 587, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING [illegible] OF THE CITY OF ASHEVILLE", AS AMENDED was, upon motion of Councilman McRary, seconded by [illegible], unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Mayor Eller voted "aye"
Councilman Morgan voted "aye"
Councilman Sumner voted "yea"
Councilman Crouch voted "aye"

Since there was no Council meeting last week and upon recommendation of City Manager, City Council [illegible] rule to give third reading to Ordinance No. 587, a vote was taken as follows:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Mayor Eller voted "aye"
Councilman Morgan voted "aye"
Councilman Sumner voted "yea"
Councilman Crouch voted "aye"

ORDINANCE NO. 587

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE [illegible] FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-8 to COMMERCIAL:
[illegible], Sheet 24, Ward 5

(b) That the following described property be rezoned from RA-8 Residential to RESTRICTED BUSINESS:
[illegible], Sheet 24, Ward 5

(c) That immediately following the first sentence of the second paragraph in Section 11 Board of Adjustment, to-wit: "The Board shall consist of five (5) members appointed by the City Council for a term of three years", there shall be inserted a new sentence as follows:
The City Council may, in its discretion, appoint alternate members to serve on said Board in the absence, for any reason, of any regular member.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the [illegible] hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for [illegible] held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 30th day of November, 1967.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

[illegible] and adopted, this [illegible] day of [illegible].

[illegible]
Mayor [illegible]

ATTESTED AS TO FORM:

[illegible]
Robertson Wall
CORPORATION COUNSEL

The City Manager advised that a public hearing [illegible] Urban Renewal Project, Civic Redevelopment Area, Project N. [illegible]. He [illegible] awaiting for a public hearing on the matter had been [illegible] the Council Chamber.

Councilman Algary then introduced a resolution [illegible] Motion of Councilman Algary, seconded by Councilman [illegible].

Complete copy of resolution will be found in Resolution Book [illegible], page 138, 139

The City Manager presented an Audit [illegible].

Councilman Algary expressed the opinion that he was concerned about Asheville not getting new industries and businesses; that a facet to be explored was getting regional offices of large insurance companies to come to Asheville; and further that the Chamber of Commerce should work on this.

Councilman Sumner stated that the city's representative, Dr. Crouch, should be placed on the Executive Committee of the Chamber of Commerce rather than on the Board of Directors, so he could be fully informed and report to Council how money given to them was spent.

The City Manager stated that the Chamber of Commerce had to promote Asheville, and could do it with greater enthusiasm than any other agency.

Councilman Crouch stated that meetings were held once a month, that the money was well spent, and that there were good relations between the Board of Directors and the City Council.

The Mayor advised that the Bylaws of the Chamber of Commerce would have to be amended if the Council's representative was placed on the Executive Committee.

Following the discussion, Councilman Algary moved that the Chamber of Commerce be requested to change their Bylaws to permit the Council's representative to be placed on the Executive Committee so that he could be fully informed on operations of the Chamber, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, December 21, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 21, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read, and Councilman Algary stated that it was the intent of his motion at the previous meeting to request that the City of Asheville's representative be placed on the Executive Committee of the Chamber of Commerce, the method of said placement to be left to the Chamber of Commerce, and with this correction the minutes were approved.

The City Manager suggested that the City Clerk communicate the wishes of the Council to the Chamber of Commerce.

A letter was received from H. T. Atkins resigning as a member of the Asheville Planning and Zoning Commission and the Metropolitan Planning Board effective December 31, 1967.

This resignation was accepted with regret, and the City Clerk was requested to express to Mr. Atkins the appreciation of the Council for his long service as a member of the Commission.

Councilman McRary then introduced resolution electing member of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 140.

The City Manager recalled that a petition had been previously received from J. V. Shoemaker and G. B. Ledford to close portions of two unopened and unnamed streets off Louisiana Avenue, and advised that a resolution setting a date for a public hearing on this matter had been prepared.

Councilman Mulvaney then introduced a resolution providing for a public hearing on petition to close two portions of unopened and unnamed streets off Louisiana Avenue, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 141.

Councilman Algary discussed the Stephens Lee High School Building, which has been vacant since the construction of the South French Broad School, and suggested that this building should be utilized.

The City Manager advised that with the cooperation of the School Board the City Recreation Department was utilizing approximately 40% of the building as a part of its recreational program.

There being no further business, the meeting was upon motion adjourned

MAYOR

CITY CLERK

Thursday, December 28, 1967 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 28, 1967, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from James H. Bailey and Blanche L. Bailey that their property known as 705 New Leicester Road, including a 10 foot strip of land adjoining, be annexed into the City of Asheville, and that the annexation ordinance be so worded as to make the effective date as of January 1st.

The City Manager advised that this property is contiguous to the present city limits, and that it will be necessary to follow the procedure of holding a public hearing, after due advertisement, on the proposed annexation.

The request was referred to the City Manager for the preparation of the necessary resolution and ordinance.

Mr. Norman Sultan, Vice Chairman of the Asheville Transit Authority, presented a progress report advising that sale of the assets of White Transportation Company to the Transit Authority had been completed for $19,194.54; that the Transit Authority has conferred with representatives of the Housing and Urban Development program, and has been given reasonable assurance that the Authority's application for funds will be favorably treated after July 1st; that the City Coach Lines, Inc. of Jacksonville, Florida has entered into a one year management agreement with the Transit Authority; and that Edward Combs will be the resident manager.

Mr. William Moore, attorney for the Transit Authority, advised that under this arrangement all tax advantages would be available, and that he has been in consultation with authorities in Raleigh concerning this matter.

The City Manager pointed out that the Attorney General's office had ruled about a year ago that no franchise is in existence for White Transportation Company since no election was ever held during the period the firm served the city; and, in reply to a question by Councilman Sumner, advised that the money to cover this transaction had been advanced out of contingency funds in the present budget.

Mayor Eller expressed the city's appreciation to the Transit Authority, and pledged cooperation of the city in the future.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 4, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 4, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, Robert P. Crouch, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Money-Worth, Inc. requesting that the Billiard Hall ordinance be amended to include the building located at 62 Brook Street between Reed Street and London Road, for the purpose of operating a Family Recreation Center to include billiard tables.

The City Manager advised that there are at present four districts set up under the ordinance regulating billiard halls, and the requested area is not included in any district. The City Manager suggested that since this request would require an amendment to the ordinance that the matter be referred to his office for the preparation of such an ordinance, in order that it may be considered by the Council.

Councilman Crouch moved that this action be taken, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the Civic Redevelopment Project N. C. R-13, but that due to a change in the plans of the North Carolina State Highway Commission concerning the proposed open cut through Beaucatcher Mountain, which changes will have considerable effect on the street plans of the Project, the Redevelopment Commission has recommended that the public hearing be cancelled and re-scheduled as soon as the State Highway Commission issues final plans for the open cut.

Councilman Morgan moved that today's public hearing be cancelled to be re-scheduled at a later date, which motion was seconded by Councilman McRary and unanimously adopted.

Mr. T. C. Treadway, 29 Orchard Street, discussed a matter pertaining to the project, and was advised to consult with Mr. Neal Hanks, Executive Director of the Redevelopment Commission.

The City Manager advised that petitions have been received for the paving of an Alley behind Woodcrest and Grovewood Road, an unnamed Alley running south off Chatham Road, Bell Road, Bethany Lane, Jersey Street (From Lot No. 163 to end of Lot No. 148 on Morrow Street), Morrow Street, Spring Cove Road, and Spring Cove Terrace, and in order to establish a lien on all abutting properties it is necessary to pass a resolution authorizing these improvements.

Councilman Mulvaney then introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving of an alley behind Woodcrest and Grovewood Road, an unnamed Alley running south off Chatham Road, Bell Road, Bethany Lane, Jersey Street (From Lot No. 163 to end of Lot No. 148 on Morrow Street), Morrow Street, Spring Cove Road, and Spring Cove Terrace, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 142.

The City Manager advised that due to the resignation of Jack Belt a vacancy existed on the Asheville-Buncombe County Youth Council, and that the Adult Advisory Board had recommended the appointment of George Gragg.

Councilman Crouch then introduced resolution appointing member of the Advisory Board for the Asheville-Buncombe County Youth Council, which was, upon motion of Councilman Crouch, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 143.

The City Manager advised that the term of George E. Dawson as a member of the Metropolitan Sewerage District Board would expire on January 19th.

Councilman Morgan then introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 144.

The City Manager advised that the term of John W. Spicer as a member of the local Board of Trustees of the Firemen's Relief Fund expired on January 1st.

Councilman Mulvaney then introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 145.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 11, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 11, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, T. B. Sumner, W. F. Algary, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel Robertson Wall

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission on the request of Rudolph Gay recommending no change in the zoning of the lots on Clingman Avenue.

January 11, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held January 10, 1968, the following action was taken on the request of Mr. and Mrs. Rudolph Gay:

It was moved, seconded, and unanimously passed that the Commission recommend that this request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A letter was received from the Planning and Zoning Commission on the request of Fred Ratcliffe and others recommending that the property remain as it is now zoned.

January 11, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held January 10, 1968, the following action was taken on the Petition of Mr. Fred Ratcliffe and others:

It was moved, seconded, and unanimously passed that the Commission recommend that this request be denied and the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

The above were received as information by the Council.

The City Manager advised that an ordinance had been prepared creating a new Billiard Hall District as requested by Money-Worth, Inc.

Councilman Mulvaney then introduced Ordinance No. 588, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented a resolution of the Redevelopment Commission of the City of Asheville recommending to the Council that the site now occupied by David Millard Junior High School be purchased by the Redevelopment Commission and that said site be divided into parcels to be redeveloped in a manner compatible with the project area plan and further that the section north of the east-west expressway consisting of approximately 3½ acres shown on the disposition map as Parcel 26 and 27 be deleted from the Civic Redevelopment Project, and that moneys now budgeted for that area be used to acquire David Millard Junior High School.

Councilman Morgan moved that the Council approve the resolution of the Redevelopment Commission, which motion was seconded by Councilman McRary.

The City Manager pointed out that all sales of property in the Redevelopment Project must be approved by the City Council; that any action taken today is not the final decision because there have to be two public hearings, after due advertisement, one before the Redevelopment Commission and one before the City Council; and further the changes would have to be submitted to authorities in Atlanta for approval.

Councilman Sumner stated that he saw no reason why the city should become involved in the sale of the David property; that proper zoning could control the use of the property; and that he was not in favor of deleting the property north of the Expressway which could be available for a beautification project.

Councilman Algary stated that when it was previously brought to the attention of the Council that the Redevelopment Commission had deleted this 3½ acres from the project the Council went on record that it should stay in based on the fact that the bonds were voted for a specific area; that he is advised that property has been purchased near the area based on the decision of the Council; and further that the land might be needed for widening of highways.

Councilman Algary then offered a substitute motion that the Council recommend to the Redevelopment Commission that it proceed with purchase of the David Millard property, but leave the 3½ acres within the project, which motion was seconded by Councilman Sumner.

Following a further discussion a vote was taken on the substitute motion with Councilmen Algary, Sumner and Morgan voting for the motion, and Councilmen Mulvaney, Morgan and Mayor Eller voting against the motion.

The Mayor then declared the vote a tie, and asked for consideration of the original motion.

A vote was then taken on the original motion with Councilmen Morgan, Mulvaney, McRary and Mayor Eller voting for the motion, and Councilmen Algary and Sumner voting against.

Mr. Joe Emerson Rose expressed his views against deleting the 3½ acres from the project, advising that property had been purchased on the edge of the area with plans for the construction of a motel, and the action of the Council would mean that no further action would be taken on this.

He was advised to present his objections at the hearings to be held on this matter.

Four coeds from Asheville-Biltmore College appeared before the Council and invited the members to take part in the annual Home-Coming celebrations which began Thursday.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, January 18, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 18, 1968, at 4:00 o'clock P. M. with Mayor E. W. [illegible] presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, Dr. Robert P. Crouch, [illegible] McRary, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from the Home Builders Association of W.N.C., Inc. recommending that the proposed new Housing Code be enacted into law.

A letter was received from Ernest Lawing requesting that he be permitted to use his property on Beaverview Drive as a retail outlet under the nonconforming use as defined in the City of Asheville zoning ordinance.

This request was referred to the City Manager who stated he would confer with the Building Inspector and report and get a report.

A petition was received from the Twentieth Century Heating Company that an unopened alley shown on a plat recorded in book 378 at page 270 in the office of the Register of Deeds be closed.

The City Manager advised that it would be necessary to prepare a description of the alley, and hold a public hearing on the proposed closing, after due advertisement.

Councilman Sumner discussed the closing of alleys, and suggested that these requests be also referred to the Planning and Zoning Commission to see if the property might ever be needed for other purposes.

The City Manager stated the Planning and Zoning Commission would be advised of the public hearing, and be asked to give an opinion on the matter.

Ordinance No. 588, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that following the request of James H. Bailey that his property on New Haw Creek Road be annexed into the city a description of the property had been prepared, together with a resolution setting a date for a public hearing to consider this matter.

Councilman Morgan then introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property on New Haw Creek Road, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 146.

The City Manager presented a proposed new Housing Code for the City of Asheville, advising that this new code strengthens the present Code, and is modeled on the Greensboro Housing Code.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 25, 1968 - 4:00 o'clock P. M.

[illegible] Thursday, January 25, 1968, at 4:00 o'clock P. M. with Mayor E. W. [illegible] Councilmen [illegible] T. A. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City [illegible] Robertson Wall.

[illegible] the [illegible] read and approved.

[illegible] petition, signed by [illegible] property owners, requesting the rezoning of certain property on Haywood Road [illegible] Commercial, was received.

[illegible] referred to the Planning and Zoning Commission for study and recommendation.

[illegible] petition, signed by four property owners, requesting the rezoning of Lots 9, 12, and 233-241, inclusive, [illegible] County and City of Asheville Tax Maps from Residential to Industrial was received.

[illegible] referred to the Planning and Zoning Commission for study and recommendation.

[illegible] tendering his resignation as City Manager effective August 31, 1968.

January 25, 1968

[illegible]

[illegible]

[illegible]

[illegible]

With [illegible] retirement on August 31, 1968 has been known to each member of the Council [illegible], I want to take this means of submitting my formal resignation to the Council effective on that [illegible].

At a later date I will express in detail to the members of the Council my appreciation for the [illegible] relations that have always existed between the City Council and the City Manager's office.

Sincerely yours,

S/ Weldon Weir
Weldon Weir
City Manager

WW:s

Ordinance No. 588, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 588

AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 7-27 of the Asheville Code of Ordinances, as amended, be ammended as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. VII, as follows:

BILLIARD HALL DISTRICT NO. VII

BEGINNING at a point on the Eastern margin of Reed Street and the Southern margin of Brook Street, also being the Northwest corner of Lot #100-1/4, Ward 7, Sheet 2, Buncombe County Tax Maps; thence, running East with the Southern margin of Brook Street and the Northern property lines of Lots 100, 100-1/4, 105 and 106 of said map, to the Northeast corner of Lot 106; thence, with the Eastern property lines of Lots 106 and 104, to the Northern margin of Warren Avenue, the Southeastern corner of Lot 104; thence, with the Northern margin ofWarren Avenue and the Southern property lines of Lots 104 and 103, to the Southwest corner of Lot 103; thence, with Eastern property line of Lot 103 to the Northwest corner of Lot 103, the corner of Lots 103, 105 and 100; thence, with the Southern property line of Lots 100 and 100-1/4 to the Eastern margin Reed Street; thence, with the Eastern margin of Reed Street, to the BEGINNING. Being all of Lots 100, 100-1/4, 104, 105 and 106 as shown on the Buncombe County Tax Maps, Ward 7, Sheet 2

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect [illegible] days from date of final passage.

I move the adoption of the foregoing ordinance, this 11 day of January, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 25 day of January, 1968, to become effective 9 day of February, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simons
CITY CLERK

The City Manager advised that due to the death of Arthur Yar[illegible] a vacancy existed on the Boxing and Wrestling Commission of the City of Asheville.

Councilman Mulvaney then introduced a resolution appointing member of Boxing and Wrestling Commission for the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 147.

The City Manager advised that today is the date set for the public hearing on the requested closing of two portions of unopened and unnamed streets off Louisiana Avenue, and that due advertisement had been of said public hearing.

There being no opposition, Councilman Crouch introduced a resolution authorizing abandonment and closing and disclaiming any public interest in two portions of unopened and unnamed streets off Louisiana Avenue, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 148.

Mr. Harold Bennett, attorney for a group of local businessmen, advised the Council that a site of twenty-five acres east of Beaucatcher Tunnel was under option and could be purchased immediately by the city as a site for the proposed Auditorium-Convention Center-Sports Arena. Mr. Bennett cited the advantages of this location, and the disadvantages of two locations which have been proposed, advising his group were substantial property owners and taxpayers who are interested in seeing Asheville and Western North Carolina progress with the wise investment of tax and bond money.

The City Manager advised that a meeting had been arranged with property owners in the Cherry Street area for Friday afternoon at 3:00 o'clock, and hopes at this meeting to develop some detailed information on problems in land acquisition in this area.

Mr. Graham Sales, senior warden at St. George's Episcopal Church in West Asheville, advised the Council that the church had donated a strip of land along this road, which was to be improved, but that nothing has been done about this, and asked the city to honor its obligation.

The City Manager advised that he did not know of any obligation of the city in this respect, but that an immediate investigation would be made, and if there was any obligation on the part of the city, it would be taken care of.

In commenting on Mr. Weir's resignation, Councilman Algary stated that the Council has tried to discourage him from making this decision, noting that Mr. Weir's service with the city is inique, inasmuch as the City of Asheville is the only employer he has ever had, Mr. Weir having begun his career with the city in 1924 working during the summers, and having a full time job in 1928. Councilman Algary further stated that many people have taken Mr. Weir for granted, and are not aware of the many services he has rendered the city and his community; that the city will miss him, and he thought it was fitting that something be done, suggesting the "Weldon Weir Throughway" as the name for the expressway, the proposed new connector at Tunnel Road and N. C. 191 Connector which joins Patton Avenue at Hanover Street, and asked the Council give this consideration.

Mr. Weir thanked Councilman Algary for his remarks, stating that the forty-one years and four summers he had been connected with the city had been very happy ones, that he doesn't regret a single one of them, and that he will have more to say about this at a later date.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, February 1, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 1, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, Dr. Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Mrs. M. F. Patton requesting the rezoning of Lot 1/4, Sheet 16, Ward 2.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that the Redevelopment Commission has had under consideration the transfer of certain property within Civic Redevelopment Project N. C. R-13, designated as Parcel 13 on the disposition map dated May, 1967 consisting of 124,031.65 square feet, to the Y.M.C.A. at a price of $1.00 per square foot; that a public hearing was held on this matter by the Redevelopment Commission on January 31, 1968; that there was no objection to said sale; and that the Redevelopment Commission has requested that said sale be approved by the City Council.

Councilman Crouch moved that the said sale be approved, which motion was seconded by Councilman McRary.

Councilman Sumner discussed the matter, stating that he thought the City Council should know who appraised the property, the amount of the appraisal, and further that if this sale were approved, it would in effect approve the entire plan of the project, which plan has not yet been submitted to and approved by the Council.

The City Manager pointed out that this particular piece of property is not involved in any highway plans, and further that all laws had been complied with by the Redevelopment Commission in selling said property. The map showing the property was discussed by the Council.

Councilman Algary said it was his understanding that in sales of property to churches and other non-profit institutions private sales could be held.

Following the discussion, a vote was taken on the motion, and it was adopted, with Councilman Sumner abstaining from voting.

The City Manager advised that [illegible] is the date set for a public hearing on a proposed ordinance extending [illegible] to the property of [illegible] Bailey and wife, and that due advertisement has been made of said public hearing.

Councilman Sumner introduced Ordinance No. 589, being "AN ORDINANCE EXTENDING [illegible] AND ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Sumner, seconded by [illegible], given its first reading with the following vote:

Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager advised that the Chairman of the Board of Adjustment had recommended the appointment of [illegible] to the Board of Adjustment, who could serve in the absence for any cause [illegible].

Councilman Mulvaney then introduced a resolution appointing Alternate Members to Board of Adjustment under [illegible], which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, [illegible].

A copy of said resolution will be found in Resolution Book #5 at page 149.

The City Manager advised that following the petition of Twentieth Century Heating Company requesting that [illegible] on tax map of Ward 9, Sheet 23 adjacent to tax lot 1-1/2 and others, a metes and bounds description had been required, together with a resolution setting date of public hearing to consider this matter.

Councilman McRary then introduced a resolution providing for a public hearing on petition to close an alley [illegible] of Ward 9, Sheet 23, adjacent to tax lot number 1-1/2 and other tax lots, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

A copy of resolution will be found in Resolution Book #5 at page 150.

The City Manager advised that under the [illegible] petition, properties owned by the [illegible] Everett [illegible] expressed a desire to [illegible] the [illegible].

Councilman Crouch then introduced a proposed [illegible] the property [illegible] Lake would be Carolina [illegible] of Council [illegible] Crouch, seconded by Councilman [illegible] Copies of resolution will be found attached to original [illegible] Copy [illegible] will be found attached to original [illegible].

The City Manager advised that the City [illegible] agreement with Carolina Power & Light Company [illegible] to be used in the [illegible] the cost of [illegible] this project.

Following discussion, Councilman [illegible] the following [illegible] be adopted:

[illegible]

The City Manager advised that [illegible] the City Council [illegible] Carolina Power & Light Company [illegible] to be used in the [illegible] the cost of [illegible] this project.

Following discussion, Councilman [illegible] the following [illegible] be adopted:

[illegible]

The City Manager advised that [illegible] the City Council [illegible] Carolina Power & Light Company [illegible] to be used in the [illegible] the cost of [illegible] this project.

Following discussion, Councilman [illegible] the following [illegible] be adopted:

[illegible]

The City Manager advised that the North [illegible] of the state's fourteen largest [illegible] agreed to [illegible] and attend [illegible].

Mr. Osmond Webb, of 19 Pinehurst Road, [illegible] the City Manager stated he would follow up to see that [illegible].

Mr. [illegible] called attention to the fact that [illegible] that [illegible] a health hazard.

The City Manager advised that this house had [illegible] the water line to the house, and it possible for the city to provide water, and further that the house [illegible] but that he would [illegible] matter with the substandard Housing Officer.

Councilman McRary introduced [illegible] the [illegible] Baptist Church.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, February 8, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 8, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Money Worth, Inc. requesting that certain property, being the rear portion of Tax Lot 16½, Ward 10, Sheet 29, and the rear portion of Tax Lot 16½, Ward 10, Sheet 29 be annexed into the city limits, since the remainder of these lots is within the city limits.

This matter was referred to the City Manager for the preparation of the proper resolution setting a date for a public hearing on this matter and securing a metes and bounds description of the properties.

A letter was received from the Planning and Zoning Commission recommending that the property on New Haw Creek described in Ordinance No. 589 be zoned RA-6 Residential District.

February 7, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission at its regular meeting held February 7 reviewed a copy of city Ordinance No. 589 which annexes certain property on the New Haw Creek Road into the City Limits of Asheville.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in Ordinance No. 589 be zoned RA-6 Residential District.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 9, 12, 233-241, Sheet 5, Ward 5 from RA-5 Residential District to Industrial provided the owner contracts with the city of Asheville by which he agrees to provide screen planting and fencing between the industrial zone and adjacent residential zone; and provided, further, no access be permitted to the property from Joyner Avenue.

February 8, 1968

[illegible] of the Asheville Planning and Zoning Commission held February 7, the following action was taken on the request of Calvin Marshall and others:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 9, 12, 233- 241, Sheet 5, Ward 5, be rezoned from RA-5 Residential District to Industrial provided that the Owner contracts with the City of Asheville by which he agrees to provide screen planting and fencing between the Industrial Zone and adjacent residential zone; and provoded further, no access be permitted to the property from Johner Avenue.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

[illegible] and Zoning Commission recommending the rezoning of Lot 11, [illegible] to Commercial.

February 8, 1968

[illegible] of the Asheville Planning and Zoning Commission held February 7, [illegible] action was taken on the request of Mr. J. L. Lawrence and others:

[illegible] moved, seconded and unanimously passed that the Commission recommend that Lot 11, Sheet 1, Ward 6, be rezoned from RA-5 Residential District to [illegible]

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

A letter was received from the [illegible]

[illegible] GESTED AMENDMENT TO ZONING ORDINANCE
(To be incorporated in the provisions for zoning districts: [illegible] Restricted Business District, and Neighborhood Trading Area [illegible]

[illegible]

The Planning and Zoning Commission, in addition to its power and duties as provided elsewhere, shall have the duties of hearing and preparing recommendations for the granting of special uses. The City Council shall be empowered to grant special uses as appropriate under this Ordinance, or to deny special uses. In no case shall a special use may be granted by the City Council unless it shall find [illegible] Zoning [illegible] the following findings:

(1) That the City Council is empowered to grant the special use and that the granting of the special use will not [illegible]

(2) That all specific rules concerning the special use have been complied with and that satisfactory provision and arrangement has been made concerning the following wherever applicable:

(a) [illegible] to property and improvements, [illegible]

(b) Off-street parking and loading areas where required with particular attention to items (1) above and to the economic, noise, glare, odor and compatibility with surrounding property.

(c) [illegible] with reference to [illegible]

(d) [illegible] and by [illegible]

(e) [illegible], and compatibility and harmony with [illegible]

(f) Required yards and other open spaces.

(g) General compatibility with [illegible]

The above recommendations were received by the [illegible] ordinance complying with recommendations [illegible]

A letter was received from the [illegible] Larry Hunter and [illegible] the petition [illegible]

[illegible] Mayor
[illegible]
[illegible]
[illegible] North Carolina

Gentlemen:

The Asheville Planning and [illegible] the petition of Larry Hunter and [illegible] held at the November, 1967 meeting.

The Commission was of the opinion that this request [illegible] all portions of the [illegible] considerable traffic problems and be detrimental to the [illegible] suggested that a possible course of action [illegible] the [illegible] prepared for the neighborhood, which [illegible] development of the area. The Commission [illegible] zoned until such a development plan can be arrived at and until the [illegible] for the Recreation Widening are determined after the opening of the Appalachian Highway.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

MR mr

...CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING ...
...seconded by Councilman Crouch, unanimously ...

Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The ...ary to update the present Residential Building Code, ... that an ordinance had been prepared to this ef...

..., 590, being "AN ORDINANCE ADOPTING THE NORTH CAROLINA ... EDITIONS," which was, upon motion of Councilman Morgan, ... first reading with the following vote:

Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

... the budget position of the city for the period ending ...

Mr. ... behalf of the Central Association, spoke in favor of the construction of the ... advising that this would strengthen property values in the down- ... this behalf.

... of Airport Facilities of Air Transport Association of America, ... that ... United and Piedmont Airlines which serve the Asheville Airport, and present- ... the airport to accommodate predicted travel growth over the next twelve ...

... representations of the Chamber of Commerce, and Mr. Cowan, Chairman ... ing the ... questions were answered by Mr. Foster, and representatives of the vari...

... President of the Pisgah View Tenants Association, requested that the City ... the ... Board of the Housing Authority until a successor to Carl Vaughn can ...

... glad to do this upon request of the Housing Authority and ...

... ing the Pisgah View property in good condition and maintenance ... in the area.

... the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 15, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 15, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 589, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY

ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 589

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, as required by law, thus notifying the owners of the property located in such territory that a session of the legislative body of the city of Asheville will meet on the 1st day of February, 1968 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, THE Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter ddscribed under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING at an Asheville city limit marker in the Eastern margin of New Haw Creek Road at a point in the present Asheville city limit line, the Northwest corner of Lot 7 as shown on page 100, Plat Book 26, recorded in the office of the Register of Deeds for Buncombe County, North Carolina,; thence running with the common line of Lots 7 and 8 of said Plat, and the present city limit line South 80 deg. 00' East 181.4' to a point in Haw Creek, the Eastern corner of Lots 7 and 8 of said plat; thence with the present city limit line and Haw Creek North 40 deg. 04' East 190.4 feet to a point in said creek, also being the Northern common corner of Lots 5 and 8 of said Plat; thence, leaving said creek and running with the present city limit line and the Northern property line of Lot 8, North 85 deg. 31' West 278.3' to the Eastern margin of New Haw Creek Road; the Northwestern corner of Lot 8; thence with the Eastern margin of said Road South 10 deg. 00' West 136' to the BEGINNING. Containing 0.78 acres as calculated by D.M.D. Being all of Lot 8, Plat Book 26, page 100, also being Lot 13-1/2, Ward 8, Sheet 32, Buncombe County Tax Maps.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 1st day of February, 1968.

T. B. Sumner
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 15 day of February, 1968, to become effective 1st day of March, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 590, being "AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION, OR LATER EDITIONS", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that since the hospitals had worked out a joint fund raising agreement a resolution commending this action had been prepared.

Councilman Algary then introduced a resolution commending Memorial Mission Hospital, St. Joseph's Hospital and Aston Park Hospital for working out a fund raising drive for the benefit of the entire community, which was, upon

motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 154.

The City Manager recalled that the City Council had authorized him to enter into architectural agreements for the several projects which were voted on in the recent bond election, and that assignments were made to three architectural firms and preliminary plans were submitted; that since the Redevelopment Commission is now assigning land in the Project NC R-13 he would like authority from the Council to negotiate with Six Associates for a construction plan for the Civic Arts Center, which plan would be submitted to the Council for approval. The City Manager also discussed the financing schedule for carrying out this construction.

Councilman Sumner stated he thought a part of the negotiations should be that the total cost of the project should be within 10% of the bids submitted or the architects would not be entitled to a fee.

The City Manager stated he had been working with the Civic Arts Council, and it was thought that there was a broad picture of what can be done with the money.

Following the discussion, Councilman Morgan moved that the City Manager be authorized to proceed with the final phase of the work, which motion was seconded by Councilman Mulvaney.

Councilman Algary stated that at one time he had thought it would be a good idea to have a contest for the plans for these projects, in order to get the best plans that would harmonize with existing buildings, but this was impossible in the interest of time, but he thought it was important that the new building be compatible with existing structures.

The motion was then unanimously adopted.

Mr. Bill Clendenin of Clendenin Realty Company, on behalf of C. P. Grimes, offered a 56 -/2 acre tract on Leicester Highway about six-tenths of a mile off Patton Avenue as a location for the Auditorium Convention Center at a price of $200,000.00.

The City Manager advised that he had received a communication from D. O. Blevins of Booth-Barfield to purchase a piece of property adjacent to the entrance to the Asheville Airport, containing @.66 of an acre, in the amount of $25,000, or, if the city did not desire to sell, to rent said property for thirty-five years at a rent of $125.00 per month. The City Manager advised he would make an investigation to determine if this price was compatible with prices in area, and would bring back a report to the City Council.

Councilman Sumner stated he thought the City should know what use was contemplated for the property.

A progress report on the Community Antenna Television was submitted by Mr. Harold Thoms.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 22, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 22, 1968 at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Robert Crouch, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel Roberson Wall.

The minutes of the previous meeting were read and approved with the following addition: "That Mr. Phillip Stull, Chairman of the Hospital Committee be commended by the Council for leadership he gave in working out the improvement problem regarding the hospitals' expansion program".

A petition signed by 13 cab companies requesting City Council to grant and authorize an increase in taxicab fares and waiting time was referred to the City Manager for study and recommendation.

Ordinance No. 590 - being AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION, OR LATER EDITIONS, WAS, upon motion of Councilman Morgan, Seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Cumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 590

AN ORDINANCE ADOPTING THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION, OR LATER EDITIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Code of Ordinance, City of Asheville, North Carolina, Section 8-3. State Uniform Residential Building Code Adopted. That the 1968 Edition or later edition of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Inspectors Association, and as published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth herein as the Residential Building Code for one and two family residential buildings in the City of Asheville.

Section 2. The adoption of this ordinance and the code herein adopted by reference shall constitute a resolution within the meaning of N.C.G.S. 143-138 (d) making the regulatory code herein adopted applicable to dwellings and out buildings used in connection therewith and to apartment buildings used exclusively as the residence of not more than two families.

Section 3. That not less than three copies of said code have been and are now filed as public records in the office of City Clerk.

Section 4. That amendments or later editions to the North Carolina Uniform Residential Building Code herein adopted by reference which are from time to time adopted and published by the agencies referred to herein shall be effective in the City of Asheville at the time such amendments or later editions are filed with the City Clerk.

Section 5. The adoption of the 1968 Edition herein repeals the adoption of the 1964 Edition heretofore in use.

Section 6. That where the provisions of the Code herein adopted are similar with the provisions of other applicable laws, codes orordinances, the more stringent provision shall apply.

Section 7. That this ordinance shall be come effective fifteen (15) days from date of final passage.

I move the adoption of the foregoing Ordinance, this 8th day of February, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted this 22nd. day of February, 1968, to become effective 8th day of March, 1968.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Councilman McRary brought up the subject of trains blocking street crossings. City Manager advised that the railroad owned the right-of-way, and also advised that the railroad have certain obligations as it relates to the City Ordinance restricting the speed of the train and the time the crossings can be blocked.

Councilman Algary stated that the matter of the railroad discontinuing passenger service in and out of Asheville would seriously impede passenger transportation in the area.

Mr. Francis J. Coyle of 45 Montview Drive appeared before Council and requested an explanation of why Carl Vaughn, who resigned as Executive Director of the Asheville Housing Authority was rehired at an increase in salary. City Manager told Mr. Coyle that under federal statutes the Mayor names the members of the housing authority and that otherwise City Council has no responsibility for actions taken by that body, and suggested he take the matter up with the Housing Authority at a meeting scheduled for Monday, February 26th in the Council Chamber at 7:30 P. M.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 29, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 29, 1968 at 4:00 o'clock P. M. with Mayor Earl W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Dr. Robert Crouch, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter from Robert L. Harrell, Attorney, requesting withdrawal of dedication of an unopened public right-of-way adjacent to Lot 44, Sheet 14, Ward 4, said unopened dedicated right of way parallels the above property for a distance of 183.37' to a dead-end. This request was referred to City Manager who said he would have the necessary work done for a public hearing on the request.

ORDINANCE

The City Manager advised that today is the date set on public hearing on proposed ordinance for rezoning certain property from RA-5 Residential District to Commercial District as pertains to Nursing Homes,

Convalescent Homes, Homes for the Aged, etc.

There being no objection, Councilman Mulvaney introduced ORDINANCE NO. 591, being AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

CATV

City Manager presented a Resolution for consideration and action on contract with Carolina Power & Light Company to provide electric service to water pumping station on North Fork Road, North Fork Dam, term of contract being June 1, 1968 to June 1, 1978, service to be supplied on company pole located approximately 25 feet from north wall of customers new pump building.

Councilman Sumner introduced Resolution authorizing Mayor to enter into a contract with Carolina Power & Light Company, which was, upon motion of Councilman Sumner, seconded by Councilman McRary, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book 5, at page 155.

City Manager advised Council that on June 30, 1964 the City entered into an agreement with the N. C. State Highway Commission to maintain city streets and highways for which the City was to be reimbursed by the Highway Commission. He also advised that recently the state has imposed restrictions on equipment rentals, etc. and that the actual cost of maintenance work was much higher than the $60,000 to $65,000 paid by the State, and added that we have the responsibility but not the authority for said maintenance. He further stated the agreement under which the SHC pays the city for maintenance service can be cancelled on 30 days notice by either side and requested the cancellation of said agreement, effective date of cancellation agreement is April 1, 1968.

After discussion, motion was made by Councilman Sumner that the streets be turned back to the state for maintenance, which motion was seconded by Councilman McRary and unanimously adopted.

A report on the financial standing of the Asheville Transit Authority for the month of January, 1968 was given by City Manager, adding he was very pleased with the report which was furnished by Mr. Norman Sultan.

CATV

Council received copies of proposed cable TV Subscriber's Application and list of rates for Commercial and Residential users as required under the ordinance-franchise from Thoms Broadcasting Company, Inc.

Mayor Eller stated that the firm name on the application "Thoms Cable Television" differs from the Thoms Broadcasting Companies, Inc. as approved in the ordinance.

City Manager said he would investigate the question.

City Manager advised that a survey of the costs of purchasing property in the Montford-Cherry Street area for construction of an Auditorium-Convention Center was prohibitive, making the location out of range, and presented Aston Park as an alternate location for consideration by the Council. Aston Park, comprising 11 acres is owned by the City and an amendment to the East Riverside Urban Renewal Project would take in approximately 20 additional acres which would be used to provide the proposed 300' wide boulevard, or parkway-type entrance to the Auditorium-Arena. The plan would include a parkway-type access road from the arena to Patton Avenue. City Manager explained the location is at the heart of the city and also that the present Auditorium could be up-graded and modernized for concerts and many other civic purposes with the money saved.

Councilman Sumner stated that the Central Asheville Association wants the money spent in the heart of Asheville, and that he would like to see the facility located where it would provide the greatest advantage to the people who are paying about 20% of the taxes.

City Manager told Councilman Sumner he wasn't asking Council to take action on his proposal at this time, he was just presenting it for serious consideration.

CO

Councilman Sumner brought up the subject of Congressman Roy Taylor's recent bill on riots and lawlessness as it applies to the Supreme Court and said he thought the Council should go on record commending Congressman Taylor.

Mayor Eller said he thought we should have a copy of the Act and authorized Corporation Counsel Wall to get one.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 7, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 7, 1968 at 4:00 o'clock P. M. with Mayor Earl W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission denying the rezoning of Lot 174, Sheet 16, Ward 2 as requested by Mrs. F. McLeod Patton.

March 7,1968

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held March 6, 1968, the following action was taken on the request of Mrs. F. McLeod Patton:

It was moved, seconded, and unanimously passed that the request be denied and the property remain as it is now zones.

Sincerely yours,

Anthony Redmons,
Secretary

Ordinance No. 591 - being an ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

CATV - Thoms Broadcasting Companies, Inc. - CERTIFICATE OF ASSUMED NAME

As requested, Corporation Counsel Wall reported to Council that Thoma Broadcasting Companies, Inc. preferred to use the trade name of Thoms Cable Television, and that a Certificate of Assumed Name executed on March 1, 1968 had been registered with the Register of Deeds of Buncombe County in compliance with ordinance-franchise for cable TV service, and thought it acceptable.

City Manager advised that this was the date set for a public hearing on petition from 20th Century Heating Company to close public alley off Merrimon Avenue as shown on Tax Maps of Ward 9, Sheet 23, adjacent to Tax Lot Number 1-1/2 and other tax lots, with a recommendation from Planning and Zoning Board that there was no objection if the portion to be widened was not closed.

There being no objection, Councilman Algary introduced Resolution authorizing abandonment and closing any public interest in said alley, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously approved.

Complete copy of Resolution will be found in Resolution Book 5 at page 156.

City Manager presented an offer from Gust S. Pappas through Charlie Jenkins Realty Company to purchase from the City of Asheville Lot No. 234, Sheet 6, Ward 4, on the corner of Wallick Street and Asheland Avenue, for the sum of $1,055.00, and advised that the amount was double the assessed valuation.

Councilman Sumner stated he thought the property should be appraised before selling and City Manager said that would be agreeable if purchaser wanted to assume the appraisal fee.

After discussion, motion was made by Councilman Morgan that resolution be prepared to come back before Council, which motion was seconded by Councilman McRary and unanimously adopted.

City Manager advised that the city owned property at the entrance to Airport consisting of .66 of an acre and that an option to lease said property had been received from Booth-Barfield, Inc. in the amount of $125.00 per month for 35 years. He also advised that improvements placed on property would revert to the city at the end of the lease. The property would be used only for access to service station to be located on another lot.

lot.

After discussion motion was made by Councilman Algary that we accept this option lease for $150.00 per month for 35 years, which motion was seconded by Councilman McRary and unanimously approved.

City Manager presented the Annual Report of the Fire Department for 1967.

City Manager presented copy of financial statement for period ending February 29, 1968.

Mayor Eller stated that if the city was interested in operating the OEO that a notice of intent would have to be filed with Washington authorities.

City Manager advised that under the Green Amendment local communities could do this, however, he pointed out that Attorney for the North Carolina League of Municipalities had advised that the guidelines for a local OEO program established that communities with a population of 250,000 and over were eligible and that no city in North Carolina could meet this requirement. It was further observed that Charlotte and Greensboro had expressed an interest in operating a local OEO program, but it was the opinion of the League Attorney that it would require new legislation.

After discussion, the City Manager was authorized to notify OEO of the city's intention to operate the program in this community.

Jack Barfield appeared before Council and commended them on the fine job they are doing, and asked that Council approve a proposal that other sources than property tax be sought for additional governmental revenue as recommended by the Asheville Board of Realtors.

Mayor Eller stated that the Council had fought raising ad valorum taxes every time it came up.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 14, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 14, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Frank Mulvaney, W. F. Algary, Dr. R. P. Crouch, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter from Mrs. Melvin H. Taylor, Chairman of the Keep Asheville Beautiful Committee, attaching proposed ordinance to provide a proper legal basis for stronger correction of the increasing problem of litter was received as a communication and referred to Corporation Counsel for study and recommendation.

A communication from the Miracle Mile Association of Tunnel Road stated that at a meeting held March 14, 1968 they wholeheartedly endorsed the construction of a Coliseum-Sports Arena in the Asheville area at the earliest possible time regardless of location, and unanimously resolved to give full support and cooperation to efforts of Council in the realization of this project.

A letter from the Planning and Zoning Commission recommending that a portion of Lots 9-1/4, 10-1/2 and 10, Sheet 1, Ward 6, be rezoned from RA-5 Residential District to Commercial was presented to Council and City Clerk authorized to prepare notice of public hearing.

March 14, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission at its February 7 meeting reviewed the request of Mr. J. L. Lawrence that Lots 8, 9, 9-1/4, 10, 10-1/2 and 11, Sheet 1, Ward 6, be rezoned from RA-5 Residential District to Commercial. A portion of this property was recommended for rezoning in our letter to City Council under date of February 8, 1968.

At the March 6 meeting of the Planning and Zoning Commission, a plat was presented showing the subdivision of Lots 9-1/4, 10-1/2 and 10 in accordance with the suggestions of the Planning and Zoning

Commission. It is the recommendation of the Commission that the portion of the above-mentioned lots now shown on the Buncombe County Tax Maps as Lots 10 and 288, Sheet 1, Ward 6, be rezoned from RA-5 Residential District to Commercial.

Sincerely yours,

S/ Anthony Redmond,

Anthony Redmond,
Secretary

AR:mcc
Encl. Plat of Subdivision

A letter from John H. Fair, Chairman of Board of Trustees of the Hill Street Church requesting that Taft Street be closed from the Western edge of Lot 172 of property acquired from School Board from Buttrick Street was referred to the City Manager for study and recommendation.

A letter from George M. Stephens, Sr., President of the Central Asheville Association, Inc. in the form of a resolution requesting that the City Council hear a proposal for a downtown location for the Exhibition Hall and Sports Arena to be made within three weeks from this date, was received as information.

A letter from Mrs. James M. Westall, President of the Asheville Park & Recreation Board was read in which she stated she had been misquoted in the story in the Citizen, and that she was not "critical" of the proposal to use Aston Park as the site for the coliseum, nor that she favored Mr. Algary's "alternate proposal". This was accepted as information by Council.

ORDINANCE NO. 591 - being an ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED, was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 591

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #222, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-5 Residential District to COMMERCIAL DISTRICT:
Lot 11, Sheet 1, Ward 6

(b) That the following described property be rezoned from RA-5 Residential District to INDUSTRIAL DISTRICT, provided that the owner contracts with the City of Asheville by which he agrees to provide screen planting and fencing between the industrial zone and adjacent residential zone, and provided durther that no access be permitted to the property from Joyner Avenue:
Lots 9, 12, 233, 234, 235, 236, 237, 238, 239, 240, 241, Sheet 5, Ward 5

(c) That the following described property be zones RA-6 RESIDENTIAL DISTRICT:

BEGINNING at an Asheville city limit marker in the Eastern margin of New Haw Creek Road at a point in the present Asheville city limit line, the Northwest corner of Lot 7 as shown on page 100, Plat Book 26, recorded in the office of the Register of Deeds for Buncombe County, North Carolina; thence running with the common line of Lots 7 and 8 of said Plat, the present city limit line South 80 deg. 00' East 181.4' to a point in Haw Creek, the Eastern corner of Lots 7 and 8 of said plat; thence with the present city limit line and Haw Creek North 40 deg. 04' East 190.4' to a point in said creek, also being the Northern common corner of Lots 5 and 8 of said Plat; thence, leaving said creek and running with the present city limit line and the Northern property line of Lot 8, North 85 deg. 31' West 2/8.3' to the Eastern margin of New Haw Creek Road; the Northwestern corner of Lot 8; thence with the Eastern margin of said Road South 10 deg. 00' West 136' to the BEGINNING. Containing 0.78 acres as calculated by D.M.D. Being all of Lot 8, Play Book 36, Page 100, also being Lot 13-1/2, Ward 8, Sheet 32, Buncombe County Tax Maps.

(d) That immediately following Section 3 RA-8 Residential District, Section 3.1 RA-M Residential District, Section 4 RA-6 Residential District, Section 5 RA-5 Residential District, Section 5.1 Institutional District, Section 7A Restricted Business District, Section 8 Neighborhood Trading Area there shall be added the following:

Special Uses

The following uses are permitted as special uses as provided in Section 9 of the Zoning Ordinance:

1. Nursing Homes

2. Convalescent Homes

3. Homes for the aged

(e) That immediately following Section 9 EXCEPTIONS there shall be added a new section as follows:

The planning and Zoning Commission, in addition to its power and duties provided elsewhere, shall have the additional duties of hearing and preparing recommendations for the granting of special uses under the terms of this Ordinance. The City Council shall be empowered to grant such special uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny special uses when not in harmony with the intent of this Ordinance. A special use may be granted by the City Council upon written recommendation of the Planning and Zoning Commission that it has made the following findings:

(1) That the City Council is empowered under specific section of this Ordinance to grant the special use and that the granting of the special use will not adversely affect the public interest.

(2) That all specific rules governing the individual special uses have been complied with and that satisfactory provision and arrangement has been made concerning the following wherever applicable:

(a) Ingress and egress to property and proposed structures with particular reference to automotive and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe.

(b) Off-street parking and loading areas where required with particular attention to the items in one (1) above and to the economic, noise, glare or odor effects of the special use on adjoining properties and generally in the district.

(c) Refuse and service areas, with particular reference to the items in (1) and (2) above.

(d) Utilities, with reference to location, availability and compatibility.

(e) Screening and buttering, with reference to type, dimensions, and character.

(f) Signs, if any, and proposed exterior lighting, with referencetoglare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

(g) Required yards and other open spaces.

(h) General compatibility with adjacent property and other property in the district.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses or ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 29 day of February, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 14th day of March, 1968, to become effective 29th day of March, 1968.

Earl W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

In connection with the offer to buy city-owned property on Asheland Avenue by Mr. Pappas, City Manager advised Council that the property had been appraised by Eugene Coston at $1,000.00. After discussion, resolution was introduced by Councilman Morgan authorizing City Manager to advertise the property for public sale, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted. City Clerk was authorized to prepare said notice of public sale to be advertised for 4 successive weeks.

City Manager advised that the State of North Carolina had created a Zoological Garden Study Commission to study the feasibility of establishing a Zoological Garden in North Carolina and recommended to Study Commission that they meet in Asheville for the purpose of requesting that Asheville be considered as the place for the North Carolina Zoo, and expressed the opinion that it would be a great thing if we could acquire this facility.

There being no objection, resolution was introduced by Councilman Algary authorizing Mayor to extend such invitation, and upon motion of Councilman Algary, seconded by Councilman Crouch, the motion was unanimously approved.

Complete copy of Resolution in Resolution Book 5 at page 158.

Mrs. William P. Daley appeared before Council and read a letter in which she expressed her firm conviction that the Opportunity Corporation of Buncombe County would be far more effective agency if it remained on an independent basis, than if its operation was taken over by the City. This was received as information.

Mr. W. G. Hutchinson appeared before Council and stated that previous efforts to get a sidewalk installed on Clinton Street near Vance School has been unsuccessful, and asked that action be taken as the children were having to walk in the street which was dangerous.

City Manager advised that a petition for paving sidewalk had been prepared in September of last year but that the signed petition had not been returned to the City. This procedure for paving is in accordance with city ordinance, and petitions should orgginate with the people in the neighborhood.

Mayor Eller stated that the City would be glad to help Mr. Johnson to whom the petition was sent get it signed by property owners.

Councilman Algary stated that since the city owned property on the street, that the city should pave the sidewalk in front of said property, and advised that steps would be taken to start construction of the sidewalk.

Mr. William M. Peyton, Vice-Chairman of the City Park & Recreation Advisory Board appeared before Council and presented a written opinion on the suitability of the proposed Aston Park Site for the Sports Arena Complex, and stated the Board strongly opposes in principle the increasing use of urban land allocated for park and recreation use for other facilities, and stated the city should increase rather than decrease land for parks in the city. He also stated the Parks and Recreation Board wished to re-focus attention to this point.

Mrs. Walker stated she thoroughly agreed with Mr. Peytons statements.

PROPOS

City Manager stated that in the past few years the city has developed two very fine recreation areas at Skyland Lake and Bee Tree Lake, that there are 5,000 acres in this tract with full potential for recreational facilities, and stated he wanted to bring to the attention of the Council ... a recommendation that the Land Management Department be merged with the Parks and Recreation Department so we can report to the public our park potential more fully, and that it be placed under the Park and Recreation Board.

He also stated that when presenting the new budget a recommendation would be made that we merge these two facilities, if the Council had no objection.

Mr. Peyton stated he believed the Park and Recreation Board was in agreement with City Manager's statement.

Councilman Algary stated that since the city donates approximately $90,000.00 a year to the Chamber of Commerce for use in getting new industries in and around Asheville, that they be requested to employ a specialist in industry hunting who can get results.

Councilman Crouch advised Council he had been invited to attend the Board of Directors meetings of the Chamber of Commerce, that they were not standing back in their efforts to attract new industry and he was impressed with the quality of the men they had and that they were doing a good job.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 22, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 23, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, W. F. Algary, Dr. R. P. Crouch, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved with the following correction: "Councilman Crouch stated he was on the Chamber of Commerce Board of Directors, and had been invited to sit on the Executive Committee."

ASTON Park Site - Endorsed by
Asheville Building & Construction
Trades Council

The Asheville Building & Construction Trades Council, in a letter dated March 20, 1968 stated that they, along with other organizations, unanimously endorsed the Aston Park site for the new sports complex, giving as reasons the close proximity to the up-town area, nearness to expressway with easy access to the interstate roads, and congratulated City Manager in the study and presentation of said site.

A letter from F. L. Haldrook, Jr., Senior Vice-President of the First Union National Bank advising that the bank is serving as agent for Smith Properties located at 63 Valley Street, Ward 1, Sheet 1, Lot [illegible] and that they had an opportunity to lease said premises as a billiard parlor if it could be zoned for such use.

[illegible] City Manager for study and recommendation.

A letter from Gene Ochsenreiter, Jr., tendering his resignation as a member of the Redevelopment Commission of the City of Asheville was read to the Council, giving pressure of business and future plans as the reason. City Clerk was authorized to write Mr. Ochsenreiter expressing Council's appreciation for his services.

A report was made by City Manager on the request for a sidewalk on Clinton Street at Vance School, stating that all property owners in the vicinity of Clinton Street and Haywood Road had been contacted and were agreeable to a permanent-type concrete sidewalk but approved one of asphalt which would be installed at no cost to the property owners. He also advised that eight or ten owners insist that a 150 foot retaining wall be built on the embankment where sidewalk is to be constructed which would cost the city $2,160.00. The cost of the sidewalk would be $[illegible].00.

City Manager also advised that consideration would be given at a later date to the retaining wall and the city will install a concrete sidewalk on city-owned property in the area.

City Manager stated that due to the resignation of Gene Ochsenreiter, Jr. from the Redevelopment Commission, a new member would have to be appointed to fill out the unexpired term ending August 21, 1972, and a resolution was presented. After discussion, resolution was introduced by Councilman Crouch appointing Luther Morgan to the Commission, and upon motion of Councilman Crouch, seconded by Councilman Morgan, said resolution was unanimously adopted.

Copy of Resolution will be found in Resolution Book 5, at page 159.

City Manager advised that the State Highway Commission plans to grant contracts in the near future for a [illegible] connector to Asheville's Expressway and an option to purchase approximately 13 acres of city-owned property in the vicinity of Riverside Drive and Hall Street was necessary. Resolution was introduced by Councilman Algary with Acting Mayor to sign option with the State of North Carolina for the purchase of this property for right-of-way in the amount of $51,250.00, which, upon motion of Councilman Algary, seconded by Councilman McRary, was unanimously adopted.

City Manager said that this transaction would be brought back to Council for final action when deeds are prepared for transfer.

Councilman Algary said he thought the city was selling it's birthright, and that the appraised value of the Cemetery property should be used for improving the cemetery.

Councilman Morgan said that Council should go on record that it was the feeling of Council that if any funds are available from the sale of the property, it would be used for replacement of parks within the area, and upon motion of Councilman Crouch, seconded by Councilman McRary, motion was unanimously adopted.
Copy of resolution will be found in Resolution Book 5, at page 160.

City Manager presented for Council's consideration a proposal for up-grading building inspection [illegible] within the city, stating he was presenting it for the record and asked [illegible]. He also advised that the present building permit fee schedule [illegible] in fees was being considered in other cities.

City Manager stated the Safety Department had drafted an Ordinance dealing with junked cars, [illegible] dealing with this problem.

City Manager referred [illegible] Corporation Counsel for review and recommendation.

[illegible] parking space in the down-town area in the vicinity of the old George Vanderbilt [illegible] City Manager, stating that the People's Hotel Co. Inc. was willing to enter into a 50 [illegible] property occupied by the hotel structure. Under the agreement the hotel would [illegible] accommodate approximately 120 cars would be provided by the space with an [illegible] year, adding that this lot would have the same potential as the Rankin [illegible] last year. He advised he was presenting this to Council for consideration [illegible] this time.

Miss Fannie McCoy stated she was seeking another vote on fluoridation to include the county residents. City Manager said he would discuss the legality of the move with County Attorney, Tom C. Garrison, Jr.

[illegible]

Mr. Thomas Uzell presented a resolution adopted by the Board of Directors of the Greater Asheville Council on March 18, 1968 extending to City Manager, Weldon Weir, its appreciation for his valuable services to the community and wishing him happiness in the years to come. It also stated that Council should search diligently for an individual who has formal education and training in the field of Municipal Administration and that he be employed as City Manager at any reasonable cost.

ASTON PARK PROPOSED AUDITORIUM
SITE - Objection by group in East [illegible] Urban Renewal Area

Rev. J. F. Wills, representing a group in the East Riverside Urban Renewal area presented Council with a petition signed by residents in the area as opposing any use of Aston Park for other than a park area. This was received as information.

Miss McCoy joined this protest.

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 28, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 28, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

[illegible] - endorsed by [illegible] Business Assn.

The Board of Directors of the West Asheville Business Association, in a meeting held March 21, 1968 endorsed the proposal to locate the Sports and Convention complex on the Aston Park site, stating as their reasons, no additional outlay of funds for acquisition, little or no displacement of residences and the project could proceed with a minimum of delay. This was accepted as information.

[illegible] - BEING AN ORDINANCE [illegible] F ASHEVILLE RELATING TO POOL [illegible] BILLIARD HALLS

City Manager advised that an ordinance had been prepared at the request of property owner to zone the property at 63 Valley Street to allow for the operation of a billiard parlor,

After discussion in which City Manager pointed out the proposed extension to Billiard Hall District Zone #1, Councilman Mulvaney introduced Ordinance No. 592, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS" which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Algary voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible] No. 593 - BEING AN ORDINANCE [illegible] THE CONTROL OF LITTER IN [illegible] OF ASHEVILLE

City Manager presented an ordinance proposed by the Keep Asheville Beautiful Committee to prohibit merchants and private property owners from piling paper and waste materials outside their business, and allowing trash to accumulate and remain on their premises, violation of which would be a misdemeanor.

Miss Fannie McCoy voiced disapproval of this ordinance.

Councilman Morgan introduced Ordinance No. 593 - BEING AN ORDINANCE RELATING TO THE CONTROL OF LITTER IN THE CITY OF ASHEVILLE which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Algary voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager advised Council that the Housing Urban Development is authorized to make grants to cities of up to 80% of the clost of planning and developing a Model City program for rebuilding slum areas, and further advised that if our application is approved and a grant received to develop a plan for Model Cities, the city will assume it's share of the cost which is estimated at $30,000.00. Filing for such grant to be in the HUD Office by April 15, 1968.

City Manager also advised that at the direction of Dean Y. Matthews, Executive Director of the Metropolitan Planning Board, the Opportunity Corporation of Madison-Buncombe counties and other organizations are collecting information for the application.

Mr. Leonard Dobbs, acting as temporary chairman for a citizen's participation group filed a statement with Council demanding that the application for grant be made, and stated he had a petition signed by 1625 persons supporting such demand.

Mayor Eller told Mr. Dobbs that Council was in process of authorizing him to file such application and any further action would come from the federal government.

Councilman McRary remarked that Council could not demand - only request.

City Manager stated this showed public interest on the part of the citizens and the petition was returned to Mr. Dobbs to complete signatures, said petition to be presented at a later date.

Councilman McRary introduced resolution of Local Governing body approving request for financial assistance to plan and develop a comprehensive city demonstration program, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 161.

The matter of a lease for parking facility on the old Vanderbilt Hotel property was brought up by City Manager, stating the owners of the property showed some interest.

After discussion, motion was made by Councilman Algary that the City Manager be authorized to prepare a proposed lease with People's Hotel Co. Inc. for the use of the property as a parking lot, and that stipulation be included in lease that the city have the right at any time during the first 10 years of the life of this lease to extend the lease for an additional number of years equal to the lapsed time, which motion was seconded by Councilman McRary and unanimously approved.

City Manager stated that without the consent of the owners it would be limited but he thought it would improve the section if guaranteed parking was assured.

Miss McCoy objected and said the city should keep the hotel on the tax books for tax purposes.

Discussion was held regarding plans for construction of fire station and community center in the East Riverside Redevelopment project at the corner of Southside Avenue and Beech Street to replace obsolete fire station on Bartlett Street. City Manager stated his purpose in bringing it before Council was for authorization to employ professional help to include a branch library and adequate parking in the facility.

Council Algary stated this was going to be the nicest medium-income residential development anywhere, and that this area should be entitled to a Branch Library.

Motion was made by Councilman Algary that City Manager be authorized to have the architect include a Community Library in the plans, which motion was seconded by Councilman Mulvaney and unanimously approved.

A letter from Norwood W. Pope, Chairman of the Zoological Garden Study Commission was brought to the attention of Council, in which he stated that the Commission appreciated the interest in a potential State Zoo taken by the City and our invitation to meet in Asheville. He further stated that it was not the function or responsibility of the Commission to determine a site but only to study feasibility of locating a Zoo within the State of North Carolina and that all information received would be passed on to the study team. He assured Council that the Commission would include Asheville on its study itinerary and would be included in their report to the 1969 General Assembly.

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Annette
CITY CLERK

Thursday, April 4, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 4, 1968 at 4:00 o'clock P.M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, W. F. Algary, Dr. R. P. Crouch, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter from Richard O. Covington, Executive Vice-President of Home Builders Association stating that on March 7, 1968 the Board of Directors voted unanimously to support the proposal now before City Council to locate the $4-million coliseum on city-owned property at Aston Park as being the most feisable location, was received as information by Council.

A letter from Planning and Zoning Commission recommending amendments to Section 10 of the Asheville Zoning Ordinance was presented to Council. Upon motion of Councilman Mulvaney, seconded by Councilman Algary and unanimously approved, the matter was referred to City Clerk to fix a date for a public hearing on the proposal.

April 4, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held April 3, 1968, the members unanimously recommended amendments to Section 10 of the Asheville Zoning Ordinance as follows:

"REAR DWELLING PROHIBITED. No dwelling shall be erected on a lot which does not abut on at least one street for at least twenty feet. No building in the rear of a main building on the same lot may be used for residential purposes."

"ALL LOTS TO HAVE STREET ACCESS. Any principal use hereafter erected or moved shall be located only on a lot which abuts an open, publicly dedicated and publicly maintained street."

Respectfully,

S/ Anthony Redmond

Anthony Redmond
Secretary

AR:nr

ORDINANCE NO. 592 - being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS" was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "Yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 593 - being "AN ORDINANCE RELATING TO THE CONTROL OF LITTER IN THE CITY OF ASHEVILLE" was presented for its second reading.

Mr. Duffy Reints, operator of Burger Chef stated he was in favor of the work being done by the Keep Asheville Beautiful Committee, but stated that some of the provisions in the ordinance were absurd and asked that the ordinance be tabled as written, and that it be rewritten to place the blame on the litterbugs rather than property owners.

Councilman Sumner made a motion that the ordinance be tabled until Corporation Counsel could review it, which motion died because of lack of a second.

City Manager stated the Beautification Committee had worked long and hard and that some type effort should be made between property owners, customers and home owners.

Councilman Mulvaney stated he did not think the law officers or courts would be unreasonable, and Corporation Counsel stated he did not think the ordinance would present any problems and that it would be up to the court to determine guilt.

Upon motion of Councilman Morgan, seconded by Councilman McRary, the ordinance was passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"

Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager stated that on January 18th. he distributed to Council copy of proposed ordinance on sub-standard housing and for up-grading buildings in the city, further stating that ordinance had been endorsed by Asheville Builders Association and other public organizations, and presented ordinance for adopting new housing code for the City of Asheville.

There being no objection, Councilman Crouch introduced ORDINANCE NO. 593 - being "AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"

Councilman Sumner voted "Yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager presented ordinance dealing with the problem of junked cars within the city, stating that the city land fill would accept these vehicles if they were cut up.

There being no objection, Councilman Morgan introduced ORDINANCE NO. 595 - being AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"

Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager presented recommendation from Asheville Redevelopment Commission that the East Riverside Urban Renewal Project be amended to provide for a third appraisal and to file application for an additional $1.6 million in federal funds to purchase additional property. He further stated that the city would have no further responsibility if site was within 1/4 mile of East Riverside Project and would speed up construction.

Councilman Mulvaney introduced Resolution authorizing filing of amendatory application for Loan and Grant which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Copy of Resolution will be found in Resolution Book 5 at page 162.

An offer from Hertz Rent-A-Car Company to lease 3.22 acres of land near the Asheville Airport for $137.50 a month for construction of a building was presented by City Manager, and stating that if lease could be obtained construction could be started almost immediqtely. He also advised that the city could expect 6% returns on the project and if it met with the approval of Council lease would be prepared and brought back to Council next week.

Councilman Sumner stated he thought before any lease was made the land should be appraised again as the amount of $37,500.00 was from an old appraisal and the land was worth much more today.

Councilman Algary stated the rent was not sufficient for that much land.

It was the decision of Council that the land be reappraised and the matter brought before them at that time.

Mayor Eller stated that with summer about here we would be swamped with young people returning from college looking for jobs and asked for Council's views on how to handle the problem.

City Manager advised he thought it would be wise if the Mayor's office was authorized to call a meeting of all business interests in the city to consider a program whereby the young people would have a central location for applying for work for the summer. He asked that the Mayor proceed and ask representatives of Chamber of Commerce, Greater Asheville Council and others, together with Employment Security Commission, to meet with him to provide a clear-cut plan toward providing jobs for these young people, and that it was his

opinion that many hundreds could be placed from such a pool.

After discussion, motion was made by Councilman Sumner that the Mayor should set up such a plan, which motion was seconded by Councilman Crouch and unanimously approved.

Mr. Gerald Cowan stated he thought it an excellent idea.

[illegible]

Mrs. Elise Out of 1 Sevier Street told Council they had a bad sewer problem at the Asheville-Biltmore College and that there was a broken sewer within 15 feet of her house. She also stated that help had been requested but that nothing had been done, and asked that the matter be thoroughly investigated.

City Manager advised that a report of the condition would be requested by the Engineering Department and the matter was turned over to them for investigation and report.

[illegible]

Mr. George M. Stevens, President of Central Asheville Association presented for consideration of Council a 3-stage plan for construction of the new Convention Coliseum in the vicinity of Rankin Avenue and Walnut Street as an alternative to the proposed Aston Park site, stating there were only four property owners involved: Harry Blomberg, J. A. Miller, Louis Lipinsky Estate and Mrs. George Dawson. He also advised the cost of approximately three acres of land was set at $378,500.00 but in his opinion it would be well to allow $500,000.00 for purchase of the land. A major feature of the plan is a proposed parking deck in conjunction with the coliseum to provide space for 1,000 cars.

The estimated cost of building as prepared by the architect who did the preliminary planning would be $2,500,000.00, equipment including office furniture, seats, etc. another $500,000.00, and multi-parking area from 4 to $500,000.00.

He further stated that Eugene Coston has secured options on the land for the proposed coliseum site behind City Auditorium which runs south to Walnut Street, and east to Rankin Avenue, and that additional land is available for later development on east side of Rankin Avenue and that construction of the facility in this location would stimulate improvement to the downtown section.

Mr. C. E. Vick, Jr. of Raleigh said streets in the area could disperse 1200 vehicles in a 15-minute period, and that an estimated annual income of $239,000.00 could be realized from parking.

Mr. Stevens further stated that other cities around us were doing the same thing, and commended City Manager for the splendid job he has done for the city.

The Manager of the Red Cross Shoe Store on Haywood Street stated that all the traffic on Haywood Street would knock them out of a lot of business because people would be in a hurry to get out of town and proposed that the area be closed to traffic.

Mr. Julian Woodcock stated he was very enthusiastic about the up-town project, and that more women are coming to conventions with their husbands and objected to walking a long way to get to a shopping center or hotel. Also that there was a greater need for more parking space, and he thought the up-town location would be an ideal place and recommended that Council give this project their very serious consideration.

In closing Mr. Stevens stated that in spurring investment in other commercial buildings nearby that this proposal could concentrate the citys region, serving activities where each could spur the growth of others and asked that we not make a mistake that could have a 50 year - or permanent, effect on Asheville.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

THURSDAY, April 11, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 11, 1968 at 4:00 o'clock P. M. with Mayor Earl W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, Dr. R. P. Crouch, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

[illegible] COMMITTEE
[illegible]dents

Mayor Eller advised he had set up a committee meeting for Wednesday, April 17, 1968 at 9:30 A. M. in the Council Chamber of various groups to develop and put in operation plans to establish clearing house to assist students in finding summer employment.

Members meeting with the Mayor are Jack D. Edwards, Employment Security Commission; Richard K. Degenhardt, Chamber of Commerce; Harold Moore, Carolina Power & Light Company; Mrs. Crystal S. Strom, Manager of Merchant's Association; Harry W. Clarke, Western Carolina Industries; George A. Gragg, Human Relations Coordinator and Lonnie Gillian, Field Supervisor, Opportunity Corporation of Madison-Buncombe Counties.

[illegible] REPORT - SEWERAGE
[illegible] Vicinity of Asheville-Biltmore College

City Manager advised that an Engineering Report had been secured on the complaint of Mrs. Elise Out of 1 Sevier Street, regarding sewerage problem in vicinity of Asheville-Biltmore College. He stated that construction work in the area had caused failure in which bottom dropped out of a manhole and that the situation is being corrected.

City Manager advised that he had asked for a new appraisal on property at the Asheville Airport and that a report would be presented to Council within a short time.

Ordinance No. 592 - being AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL HALLS AND BILLIARD HALLS was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 592

AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Sub-section (a) Billiard Hall District No. 1 of Section 7-27 of the Asheville Code of Ordinances, as amended, be amended as follows:

By including as a part of said District No. 1 the following described property:

BEGINNING at the intersection of the Northern margin of Eagle Street and the Western margin of Davidson Street, the Southeast corner of Billiard Hall District No. 1; thence runs along the Northern margin of Eagle Street to its intersection with the western margin of Valley Street; thence running with the Western margin of Valley Street to its intersection with the Southern margin of Marjorie Street; thence running in a westerly direction with the southern margin of Marjorie Street to the intersection with the western margin of Davidson Street, at this point the line intersects the eastern limits of Billiard Hall District No. 1, and continues in a Northerly direction with the limits of Billiard Hall District No. 1 as established.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 28th day of Marcy, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 11th day of April, 1968 to become effective 26th day of April, 1968.

Earl W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Ordinance No. 593 - being AN ORDINANCE RELATING TO THE CONTROL OF LITTER IN THE CITY OF ASHEVILLE, was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner "abstained"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 593

AN ORDINANCE RELATING TO THE CONTROL OF LITTER IN THE CITY OF ASHEVILLE

WHEREAS, large amounts of waste material, particularly paper material used in connection with foods and hard goods, and other materials which can be blown or washed from place to place by wind or rain, are being deposited, scattered and piled within the City of Asheville at and around places ordinarily visited by members of the general public, including places not owned by or leased by the City of Asheville, the State of North Carolina or other governmental agency as well as places under the immediate control of such agencies;

THAT such materials, so scattered and piled, cannot be handled through the garbage service and facilities provided by the City, and they are accumulating to such an extent that they cause, spread, and aggravate disease, thereby creating conditions which are a direct danger to the public health; that they endanger pedestrians in the shopping and other areas of the City, causing pedestrians to fall and injure themselves, so as to create conditions which are a direct danger to the public safety; and that they create a fire hazard, cause and aggravate fire, and thereby create conditions which are a direct danger to the

public welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. In this ordinance, the terms or words rubbish, trash, debris or litter, shall apply to ashes, garbage and refuse as such words are defined in Chapter 13 of the City Code. They shall include all waste paper and such other materials as may be blown or washed from place to place by wind or rain, and, in addition, they shall have the meaning ordinarily ascribed to them by common definition or usage.

Section 2. It shall be unlawful for any person, firm, organization, or private corporation to place or leave, or cause to be placed or left, either temporarily or permanently, any rubbish, trash, debris or litter on any public street, alley, sidewalk, fountain, lake, park, recreational area, or other public place within the City, except in receptacles provided for the deposit of such material by the City, or in receptacles provided pursuant to Chapter 13 of the City Code.

Section 3. It shall be unlawful for any person, firm, organization or private corporation to place or leave, or cause to be placed or left, either temporarily or permanently, any rubbish, trash, debris or litter on any parking lot, driveway, alley, street, sidewalk, fountain, lake or other place which is customarily open to and readily accessible to public motorists or pedestrians for regular business or pleasure purposes, or which is otherwise affected with the public interest, even though such places may not be owned by the City, the State of North Carolina, or other governmental agency, except in receptacles provided for the deposit of such material by the City, or in receptacles provided pursuant to Chapter 13 of the City Code.

Section 4. It shall be the lawful duty and obligation of any person, firm, organization or private corporation, who occupies, leases, rents or is in control or charge of real property within the City, to remove all rubbish, trash, debris, or litter from any public sidewalks, alleys or gutters adjoining such property.

Section 5. It shall be the lawful duty and obligation of any person, firm, organization or private corporation, who owns, occupies, leases, rents or is in control or charge of real property within the City, to remove all rubbish, trash, debris, or litter from any portion of such property which is customarily open and readily accessible to public motorists or pedestrians for regular business or pleasure purposes, or which is otherwise affected with the public interest.

Section 6. Violation of any provision of this ordinance, or of any obligation imposed by it, shall constitute a misdemeanor as the same has been defined by the City Code.

Section 7. It shall be unlawful for any person, firm, organization, or private corporation to place or leave, or cause to be placed or left, either temporarily or permanently, any rubbish, trash, debris or litter on real property within the City which is not owned or leased by such person.

Section 8. Be it further ordained that if any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, the same shall not render invalid the remaining portion hereof, and such remaining portion shall remain in full force and effect.

I move the adoption of the foregoing ordinance, this 28th day of March, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 11th day of April, 1968, to become effective 26th day of April, 1968.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Councilman Sumner stated he thought it a shame to pass an ordinance that could not be backed up.

Mayor Eller stated there may be some clauses in the ordinance that would be hard to enforce but it would be up to us to do so.

[illegible] - BEING AN ORDINANCE [illegible] SECTIONS 8-13 THROUGH 8-26, [illegible], BEING CHAPTER 8, ARTICLE [illegible], OF THE ORDINANCES OF THE CITY OF [illegible], KNOWN AS THE HOUSING CODE, [illegible] A NEW HOUSING CODE FOR [illegible] OF ASHEVILLE

Ordinance No. 594 - being AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible], 595 - BEING AN ORDINANCE [illegible] THE ABANDONMENT OR MOTOR [illegible] AND JUNK MOTOR VEHICLES WITH- [illegible] CITY OF ASHEVILLE AND FOR THE [illegible] OF SAME

ORDINANCE NO. 595 - being AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager presented a resolution authorizing the publication of notice of a public hearing on Urban Renewal Project, Civic Redevelopment Area, Project No. R-13 and advised that said hearing had been set for May 2, 1968 at 4:00 P.M. in the Council Chamber.

Resolution was introduced by Councilman Morgan, and upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously approved.

Copy of resolution will be found in Resolution Book 5 at page 163.

A request from ABC Recreation Center at 45 Merrimon Avenue to erect a 2 x 62 foot sign on their building was presented by City Manager, stating that any sign placed within 200 feet of the East-West Expressway would, according to the Sign Ordinance, have to be approved by Council. He further stated that a coca-cola advertisement would be placed at each end of the sign.

Councilman McRary objected to placing soft drink ads on sign boards.

There being no further objection, motion was made by Councilman Crouch that the request be approved, which motion was seconded by Councilman Morgan and adopted.

An auditing report for the first nine months ending March 31, 1968 was presented by City Manager.

An ordinance to rezone three lots on Haywood Road just west of the old Asheville Bridge from residential to Commercial as recommended by the Planning and Zoning Commission was presented by City Manager, stating that this was the date set for public hearing.

There being no objections, Ordinance No. 596 - being AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was introduced by Councilman Mulvaney, and upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously approved on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A resolution requesting City Manager Weir to reconsider his resignation until the expiration of the term of the present city Council was presented by Councilman Sumner, stating that it was going to be an impossible task to get a new City Manager for the short time before the next election.

Councilman Crouch stated he was very much in favor of the resolution but proposed amendment to it and asked that all words after "resignation" in the title and after "office" in the second paragraph of the resolution be stricken out. He further stated that selecting a City Manager was the duty of this Council and we should not wait.

Councilman Sumner said he did not agree with Councilman Crouch - that we were going to have to hire someone and ask that he give up a good job when we could only assure him of a position from now until April.

There being no further objections, motion was made by Councilman Crouch that the resolution be approved as amended, which motion was seconded by Councilman Morgan and unanimously adopted.

City Manager stated he would bow to the wishes of this Council, that he felt a responsibility here and hoped they would be successful in finding a City Manager and would offer all assistance possible.

Rev. J. C. Gilland, President of the Oakley Men's Club, requested Council to take action toward establishing a branch library in the Oakley fire station and recreation Center, stating that the south end is the only part of Asheville without such facility.

City Manager advised that under the 1959 annexation program the Council made a committment that the city would provide these facilities, but that the Library Board caused a survey poll to be made in 1964 and took the position that branch libraries should not be considered until the central library location was settled. He further stated that the matter would be given his attention when new budget requests were made up in May.

[illegible] - Rehabilitation Plans in Project

Mr. L. H. McCord, spokesman for a group in East Riverside Urban Renewal Project area, questioned Council about rehabilitation plans for some of the homes in the area, adding that complaints had come to him from some of the residents about the amount they would receive for their property and that 50% of the homes would be eligible for long term loans.

City Manager advised him that a third appraisal was being made in the area and that no property could be acquired by the Redevelopment Commission until after the appraisal which would take at least 6 months.

Mrs. Roy Rogers of 11 Blanton Street stated that they had voted to have their property fixed up, not to be moved out.

[illegible] - Status of Property - Mr. & Mrs. James E. Smith

A letter was presented to City Manager by Mrs. James E. Smith of 128 South Grove Street making inquiry about the status of their property.

City Manager advised he would follow up on the matter and report back to the Council on the 18th.

There being no further business the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 18, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 18, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of residents in the Howland Road area, requesting the rezoning of this area to RA-10 was received.

This request was referred to the planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 594
AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

Ofdinance No. 594, being "AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 594

AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

That in order to facilitate and escalate inspection and compliance activity for the repair or elimination of unfit housing and dangerous building conditions in the City of Asheville in accordance with our Systematic Housing Code Compliance Program and our Workable Program for Community Improvement, it is necessary for a revision of Article II of Chapter 8 of the Code of Ordinances of the City of Asheville, hereby repealing said Article and Sections and adopting a new Housing Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That Article II of Chapter 8 of the Code of Ordinances of the City of Asheville containing sections 8-13 through 8-26, known as the Housing Code, as amended, be and the same is hereby repealed, and in lieu thereof the following sections are hereby enacted:

HOUSING CODE
OF THE
CITY OF ASHEVILLE

CHAPTER 8
ARTICLE II

Sec. 8-13 HOUSING CODE ESTABLISHED, TITLE

There are hereby established rules and regulations for the repair or elimination of unfit housing and

ORDINANCE NO. 595 - being AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

City Manager presented a resolution authorizing the publication of notice of a public hearing on Urban Renewal Project, Civic Redevelopment Area, Project No. R-13 and advised that said hearing had been set for May 2, 1968 at 4:00 P.M. in the Council Chamber.

Resolution was introduced by Councilman Morgan, and upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously approved.

Copy of resolution will be found in Resolution Book 5 at page 163.

A request from ABC Recreation Center at 45 Merrimon Avenue to erect a 2 x 62 foot sign on their building was presented by City Manager, stating that any sign placed within 200 feet of the East-West Expressway would, according to the Sign Ordinance, have to be approved by Council. He further stated that a coca-cola advertisement would be placed at each end of the sign.

Councilman McRary objected to placing soft drink ads on sign boards.

There being no further objection, motion was made by Councilman Crouch that the request be approved, which motion was seconded by Councilman Morgan and adopted.

An auditing report for the first nine months ending March 31, 1968 was presented by City Manager.

An ordinance to rezone three lots on Haywood Road just west of the old Asheville Bridge from residential to Commercial as recommended by the Planning and Zoning Commission was presented by City Manager, stating that this was the date set for public hearing.

There being no objections, Ordinance No. 596 - being AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was introduced by Councilman Mulvaney, and upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously approved on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A resolution requesting City Manager Weir to reconsider his resignation until the expiration of the term of the present city Council was presented by Councilman Sumner, stating that it was going to be an impossible task to get a new City Manager for the short time before the next election.

Councilman Crouch stated he was very much in favor of the resolution but proposed amendment to it and asked that all words after "resignation" in the title and after "office" in the second paragraph of the resolution be stricken out. He further stated that selecting a City Manager was the duty of this Council and we should not wait.

Councilman Sumner said he did not agree with Councilman Crouch - that we were going to have to hire someone and ask that he give up a good job when we could only assure him of a position from now until April.

There being no further objections, motion was made by Councilman Crouch that the resolution be approved as amended, which motion was seconded by Councilman Morgan and unanimously adopted.

City Manager stated he would bow to the wishes of this Council, that he felt a responsibility here and hoped they would be successful in finding a City Manager and would offer all assistance possible.

Rev. J. C. Gilland, President of the Oakley Men's Club, requested Council to take action toward establishing a branch library in the Oakley fire station and recreation Center, stating that the south end is the only part of Asheville without such facility.

City Manager advised that under the 1959 annexation program the Council made a committment that the city would provide these facilities, but that the Library Board caused a survey poll to be made in 1964 and took the position that branch libraries should not be considered until the central library location was settled. He further stated that the matter would be given his attention when new budget requests were made up in May.

Mr. L. H. McCord, spokesman for a group in East Riverside Urban Renewal Project area, questioned Council about rehabilitation plans for some of the homes in the area, adding that complaints had come to him from some of the residents about the amount they would receive for their property and that 50% of the homes would be eligible for long term loans.

City Manager advised him that a third appraisal was being made in the area and that no property could be acquired by the Redevelopment Commission until after the appraisal which would take at least 6 months.

Mrs. Roy Rogers of 11 Blanton Street stated that they had voted to have their property fixed up, not to be moved out.

A letter was presented to City Manager by Mrs. James E. Smith of 128 South Grove Street making inquiry about the status of their property.

City Manager advised he would follow up on the matter and report back to the Council on the 18th.

There being no further business the meeting was upon motion adjourned.

Ed Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 18, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 18, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A petition, signed by a number of residents in the Howland Road area, requesting the rezoning of this area to RA-10 was received.

This request was referred to the planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 594
AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

Ordinance No. 594, being "AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 594

AN ORDINANCE REPEALING SECTIONS 8-13 THROUGH 8-26, AS AMENDED, BEING CHAPTER 8, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, KNOWN AS THE HOUSING CODE, AND ADOPTING A NEW HOUSING CODE FOR THE CITY OF ASHEVILLE

That in order to facilitate and escalate inspection and compliance activity for the repair or elimination of unfit housing and dangerous building conditions in the City of Asheville in accordance with our Systematic Housing Code Compliance Program and our Workable Program for Community Improvement, it is necessary for a revision of Article II of Chapter 8 of the Code of Ordinances of the City of Asheville, hereby repealing said Article and Sections and adopting a new Housing Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That Article II of Chapter 8 of the Code of Ordinances of the City of Asheville containing sections 8-13 through 8-26, known as the Housing Code, as amended, be and the same is hereby repealed, and in lieu thereof the following sections are hereby enacted:

HOUSING CODE
OF THE
CITY OF ASHEVILLE

CHAPTER 8
ARTICLE II

Sec. 8-13 HOUSING CODE ESTABLISHED, TITLE

There are hereby established rules and regulations for the repair or elimination of unfit housing and dan-

gerous building conditions in the City of Asheville, North Carolina, which shall be known and may be cited as "The Housing Code of the City of Asheville," and will be referred to hereafter as "this code".

Sec. 8-14 EXERCISE OF POLICE POWERS: AUTHORITY

The City Council hereby finds and declares that there exists in the City of Asheville, dwellings which are unfit for human habitation and buildings which are dangerous due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; and other conditions rendering such dwellings and buildings unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the City of Asheville; and that a public necessity exists to exercise the police powers of the City pursuant to Article II and Article 15 of Chapter 160 of the General Statutes of North Carolina, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such dwellings and buildings in the manner herein provided.

Sec. 8-15 SUBSTANDARD BUILDINGS DECLARED NUISANCES.

All buildings or portions of buildings which are determined by the building inspector to be substandard are hereby declared to be public nuisances and shall be repaired or rehabilitated to the standards of this code or demolished in accordance with the procedure set forth herein.

Sec. 8-16 PURPOSE

The purpose of this code is to arrest, remedy, and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing minimum requirements for places of habitation for the protection of the life, health, welfare, safety, and property of the general public and the owners and occupants of places of habitation.

Sec. 8-17 SCOPE

The provisions of this code are applicable to all existing buildings and to all buildings hereafter constructed within the City of Asheville. Demountable buildings or structures, when used or intended for use for human habitation within the City, shall be subject to the applicable provisions of this code.

8-17 DEFINITIONS.

(A) "Apartment House" shall mean any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units.

(B) (1) "Area" as applied to the dimensions of a building, shall mean the maximum horizontal prospected area of the buildin, at grade.

(2) "Area" as applied to the dimensions of a room, shall mean the total square footage of floor area between finished walls.

(C) "Basement" shall mean a story having a clear height of at least 7½ feet from finished floor to finished ceiling, the floor level of which is below finished grade but not more than 4 feet below the average finished grade, having floor and walls of approved construction incorporating vapor barriers where recommended.

(D) "Building" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "building" shall be construed as if followed by the words "or part thereof."

(E) "Ceiling height" shall be the clear vertical distance from the finished floor to the finished ceiling.

(F) "Certificate of Occupancy" shall mean a permit issued by the Chief of Building Inspections, or his designated agents, certifying that the named dwelling or dwelling unit complies with the minimum requirements, of this code.

(G) "Demolish" shall mean the demolition and removal of the entire building leaving the property free and clear of any debris and without holes or pockets.

(H) "Dwelling" shall mean any building or structure or portion thereof, which is used or designed or intended to be for human habitation including living, sleeping, cooking, and eating or any combination thereof, and shall include any outhouses and appurtenances belonging thereto or so enjoyed therewith.

(I) "Dwelling unit" shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(J) "Exit" shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

(K) "Extermination" shall mean the control and elimination of insects, rodents, and other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and lawful pest elimination methods approved by the Inspector.

(L) "Family" shall mean one or more persons living together and having common housekeeping facilities.

(M) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(N) "Habitable Space" or "Habitable Room" shall mean any room or enclosed floor space in a building or structure used or intended for use for living, sleeping, cooking, or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or during extended periods.

(O) "Household" shall mean all persons who occupy a dwelling unit (A person living alone or any group of persons sharing a dwelling unit is a household.)

(P) "Housing" shall mean any dwelling, apartment, rooming house, boarding house, or similar building or structure or part thereof containing habitable space or intenced for use for human habitation, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except for transient occupancy.

(Q) "Infestation" shall mean the presence within or around any housing of any insects, rodents, or other pests.

(R) "Inspection Division" shall mean the office and staff of the Chief of building inspections of the city of Asheville.

(S) "Inspector" shall mean the Chief of building inspections and any other employee of the City in the building inspection division whose assigned duties include the enforcement of the provisions of this Chapter.

(T) "Occupant" shall mean any person over one year of age living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or room.

(U) "Owner" is deemed to mean and include the holder of any legal or equitable estate in the premises whether alone or jointly with others, and whether in possession or not.

(V) "Parties in Interest" shall mean all individuals, associations, partnerships, corporations, and others who have interest in a dwelling or building, and any who are in possession or control thereof - as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner, any such person thus representing the owner or owners shall be bound to comply with the provisions of this Chapter and to the rules and regulations adopted pursuant thereto to the same extent as if he were owner.

(W) "Pier" shall mean a masonry support of at least 8 x 12' of solid masonry extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code.

(X) "Plumbing" shall mean the water supply system, the sanitary and storm drainage systems, the vent systems, fixtures and traps and shall include their respective connections, devices, appliances, and appurtenances within the property lines of the premises.

(Y) "Public Authority" shall mean any housing authority or any officer who is in charge of any department or branch of the City Government, Buncombe County, or State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings or buildings in the City of Asheville.

(Z) "Public Space" shall mean that space within any housing which is open to use by the general public.

(AA) " Removal" shall mean the demolition and removal of the entire building, leaving the property free and clear of debris and without dangerous holes or pockets.

(BB) "Rooming House" shall mean a building in which five or more rooms are let for rent.

(CC) "Rubbish" shall mean combustible and noncombustible waste materials except garbage; including but not limited to ashes, wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery, dust, and dirt.

(DD) "Sagging" shall mean the amount of deflection occuring over a span between two supports. A deflection of 1/240 shall be deemed as a structural defect.

(EE) "Seriously" shall mean that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

(FF) "Story shall mean that part of a building comprised between a floor and the floor or roof next above.

(GG) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artifically built up or composed of parts joined together in some definite manner. The term "Structure" shall be construed as if followed by the words, "or part thereof."

(HH) "Substandard building" shall mean any building, including any dwelling unit, guest room, or suite of rooms or the premises on which the same is located, or portion thereof, in whih there exist any nuisance as defined in this chapter or any conditions which endanger the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

(II) "Tenant" shall mean any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.

(JJ) "Ventilation" shall mean the supply and removal of air to and from a space by natural or mechanical means.

(KK) "Ventilation, Natural" shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind driven devices.

(LL) "Ventilation, Mechanical" shall mean ventilation by power driven devices.

Sec. 8-18 Reserved

Sec. 8-19 ADMINISTRATION

(A) ENFORCEMENT AGENCY

(1) The chief of Building Inspections is hereby designated the public officer to exercise, by and through his duly appointed agents, the powers prescribed by this code.

(2) There is hereby created and established an additional division within the Public Safety Department, under the direction of the Chief of Building Inspections, to be known as the Housing Division, which shall be composed of the Chief of Building Inspections, Building Inspector, Housing Officer and such other employees as shall be authorized by the City Council and appointed by the City Manager.

(B) CONSULTING AGENCIES

The inspector shall have authority to request advice and assistance of the Asheville-Buncombe County Metropolitan Planning Board, the Redevelopment Commission of Asheville, Asheville Fire Department, Asheville Police Department, Asheville Water Department, Housing Authority of the City of Asheville, Inc., and the Buncombe County Health Department including Air Pollution and Plumbing, and any other public authority he may deem appropriate in order to determine those areas of the City in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this code. This procedure shall be in addition to regular, city-wide inspections under Section 8-29 of this code.

(C) POWERS

The inspector may determine that buildings are substandard and unfit for human habitation if he finds, on the basis of the standards and requirements of fitness set forth in this chapter, that conditions exist in such buildings which

are dangerous or injurious to the health, safety, or morals of the occupants of such buildings, the occupants of neighborind buildings or other residents of the City; such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, disrepair, structural defects; and uncleanliness.

(D) ADMINISTRATIVE LIABILITY

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the housing code shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this coee. No person who institutes or assists in the prosecution of a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission.

Sees. 8-20-, 8-21 Reserved

Sec 8-22 STANDARDS OF FITNESS

Without excluding other ways and means of determining that a dwelling unit is unfit for human habitation, the Housing Officer shall make such finding when one or more of the following conditions are not met:

(A) Space and Use Standards

1. A kitchen-dining room combination, if any, of not less than 100 square feet.
2. A bedroom occupied by not more than one person shall contain not less than 70 square feet of floor space. Any bedroom occupied by two or more persons must contain a minimum of 50 square feet of floor space per person.
3. At least 70 square feet in each habitable room.
4. At least 150 square feet of floor space in habitable rooms for the first occupant in each housing unit; at least 100 square feet for each of the next three occupants; and at least 50 square feet for each additional occupant over the number of four (children one year of age and under shall not be counted.)
5. No basement space used as a habitable or dwelling unit unless:
   a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness and condensation.
   (b) The total of window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms (see below, (B) Light and Ventilation Standards.)
   c. Such required window area is located entirely above the grade of the ground adjoining such window area unless provided with adequate window wells.
   d. The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms. (See below, (B) Light and Ventilation Standards.) except where there is supplied some other device affording adequate ventilation and approved by the Chief of Building Inspections.
6. Toilet and bathing facilities enclosed.
7. No holes or excessive cracks shall be in walls and/or ceilings of rooms.
(8) Access provided to all rooms within a dwelling unit without passing through a public space. Rooming houses are exempt from this requirement.
9. Doors provided at all doorways leading to bedrooms, toilet rooms and bathrooms and all rooms adjoining a public space.
10. Access shall be provided to required toilet rooms without going outside building. Toilet shall not open directly on to an open porch.
11. Access provided to living rooms, kitchen and bedrooms without passing through a bedroom, except in a dwelling unit with only one bedroom.
12. Doors providing access to any living unit shall be capable of being locked.
13. All outside doors shall be reasonably weathertight.

(B) Light and Ventilation Standards

1. Window glazed area fn each habitable room shall not be less than ten (10) square feet or ten (10) per cent of the floor area whichever is greater.
2. Openable window area in each habitable room equal to at least one-half of the window area and facing directly to the outside, for ventilation, unless room is served by an approved ventilating system.
3. All windows used for ventilation purposes and doors opening to the outside shall be adequately screeded from April 15 to October 15.
4. Windows reasonably weathertight; no broken glass.
5. OPenable window area in each toilet room of at least 1½ square feet, unless served by approved ventilating system.
6. All screens tight fitting, free of holes, and not nailed to window frame or sash.
7. Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an ullumination of at least three (3) foot candles per square foot in the darkest portion of the normally traveled stairs and passageways.

(C) Exit Standards.

1. Two main exits, each at least 30 inches wide and 6' 8" high, easily accessible to the occupants of each dwelling unit. All existing doors easily operable and remotely located.
2. Platforms, steps and;or handrails provided to serve exits and maintained in safe condition.
3. Safe, continuous and unobstructed exit from interior of building to the exterior at street or grade level.

(D) Plumbing Standards

1. Connection to the city sanitary sewer system where available;
2. All fixtures operable.
3. No broken water closet bowls.
4. Water closet not loose or leaking.
5. No leaks in shower stall floor.
6. No hopper or vogel bowl toilets.
7. Adequate facilities for furnishing hot water to each tub or shower, lavatory and kitchen sink.
8. Installed water supply inside building for each dwelling unit.
9. Installed water closet, tub or shower, lavatory and sink for each dwelling unit. Kitchen sink at least 12" x 16" x 6" deep.
10. Separate toilet facilities for each dwelling unit.
11. Toilet and bathing facilities protected from the weather.
12. All water piping protected from freezing by proper installation in protected space.
13. At least one 2½" monimum size vent properly installed for each building.
14. Soil and water lines properly supported with no broken or leaking lines.
15. Every water closet compartment floor surface and bathroom floor surface so constructed and mtaintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

(E) Heating Standards

1. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working conditions and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees F., when the outside temperature is 15 degrees F.
2. Where heat is not furnished from a central heating plant, each dwelling shall have at least two (2) fire-proof chimney flues to permit the operation of sufficient heating equipment to maintain temperature of rooms to the requirement stated in sub-section (a) above.
3. All units furnished with heating facilities shall have such facilities properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms.
4. All gas and oil heating equipment listed by Underwriters Laboratories, National Warm Air Heating Code, or American Gas Assocation and installed as approved
5. As to multi-family housing, liquid fuel stored in outside tanks and piped to heating units.
6. No loose bricks in chimney.
7. No hanging masonry chimneys.
8. No holes in flue.
9. Thimbles grouted in tight.
10. Thimbles high enough for stovepipe to rise ¼" per foot minimum.
11. Hearth, where required, shall be at least 16" deep and 6" beyond each side of fireplace opening.
12. No combustible materials shall be within 7" of the top and 7" of either side of the fireplace opening.
13. Fireplace used only for supplemental heat and not for basic heating.
14. Masonry closure, if fireplace opening closed.
15. Stove within six feet of thimble serving it.
16. No combustible materials within 12" of stovepipe.
17. No stovepipe through combustible walls.
18. In apartment buildings, institutional buildings, and rooming houses with central heat, the furnace room shall be enclosed with material having at least a one-hour fire protection rating.

(F) Electrical Standards
1. No receptacles, ceiling fixtures or other fixtures hanging loose.
2. All switches and fixtures safely operable.
3. At least two duplex convenience outlets per habitable room as remote from each other as practicable.
4. At least one light in bathroom.
5. No unsafe wiring.
6. No extension cords shall be spliced.
7. No circuits shall be overloaded.
8. Fuses sized correctly and not bridged out.
9. All wiring to be installed shall be in accordance with the National Electrical Code and the Electrical Ordinances of the City of Asheville.
10. All wiring shall be maintained in a safe condition.

(G) Structural Standards
1. Foundation
   a. Beneath the building firm ground, reasonably dry, no soggy ground, no water standing, no water running under building.
   b. Sound footings, adequate bearing.
   c. Sound piers, no loose mortar or building materials.
   d. There shall be no piers in which plumb line from top center falls outside middle one-third of pier base.
   e. There shall be no isolated solid masonry piers exceeding in height 10 times least dimension of pier.
   f. No wood stiff-knees or other improper piers.

2. Floors
   a. No rotted or termite damaged sills.
   b. No broken, overloaded or sagging sills.
   c. Sills reasonably level.
   d. Sills properly and sufficiently supported.
   e. No rotted, fire damaged, or termite damaged joists.
   f. No broken, or sagging joists.
   g. Maximum spans for floor joists, providing they show signs of being weak or overloaded, are as follows:
      18' for 2" x 10" at 16" O. C.
      15' for 2" x 10" at 24" O. C.
      14' 6" for 2" x 8" at 16" O. C.
      12' for 2" x 8" at 24" O. C.
      11' for 2" x 6" at 16" O. C.
       9' for 2" x 6" at 24" O. C.
   h. No 2" x 4" floor joists shall be allowed.
   i. There shall be no joists or sills seriously damaged by fire.
   j. Flooring weathertight without holes or excessive cracks which permit air to penetrate rooms.
   k. Flooring reasonably smooth, not rotted, fire damaged, or worn through.
   l. No loose flooring.
   m. Floor reasonably level.
   n. Over the floor joists, there shall be a sub-floor and finish floor with building paper between them if structure does not have masonry curtain wall foundation.

3. Walls, Exterior
   a. There shall be no wall in which plumb line from top center of studs falls outside base plate at any point along wall.
   b. There shall be no studs spaced excessively, minimum: 16" O. C. where solid sheathing or siding is not used; 24" O. C. where solid sheathing or siding is used.
   c. No studs shall be rotted, fire-damaged or termite damaged.
   d. No broken or cracked structureal members.
   e. All siding weathertight with no holes, excessive cracks or rotted boards which permit air to penetrate rooms.
   f. No loose siding.
   g. No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair.

4. Walls, Interior
   a. Interior finish free of holes and excessive cracks which permit air to penetrate rooms.
   b. There shall be no walls in which plumb line from top center of studs falls outside base plate at any point along wall.
   c. N loose plaster, loose boards, or other loose wall materials.
   d. No cardboard, newspaper or other highly combustible or improper wall finish.
   e. There shall be no studs excessively spaced, maximum:
      16" O. C where 3/8", or less sheetrock is used.
      24" O. C. where solid wood, plaster, plywood finish, or ½" sheetrock is used.

f. No studs shall be rotted or termite damaged
g. No broken or cracked studs or other structural members.

5. Ceilings

a. No joists rotted, broken, sagging or improperly supported ends.
b. Maximum spacing for ceiling joists, provided they show signs or sagging and being weak, asre as follows
16" O. C. where 3/8 sheetrock or less is used.
24" O. C. where solid wood, plywood, or ½" plus sheet rock is used.
c. Maximum span for celing joists, provided they show signs of being weak or overloaded (only attic space above), are as follows
22' for 2" x 6" at 16" O. C.
18' for 2" x 6" at 24" O. C.
16' for 2" x 8" at 16" O. C.
14' for 2" x 8" at 24" O. C.
16' for 2" x 10" at 16" O. C.
13' for 2" x 10" at 24" O. C.
16' for 2" x 12" at 16" O. C.
13' for 2" x 12" at 24" O. C.
d. There shall be no holes or excessive cracks which permit air to penetrate rooms.
e. No loose plaster, boards, sheetrock or other ceiling finish.
f. No cardboard or other highly combustible finishes.
g. There shall be no ceiling joists seriously damaged by fire.
h. There shall be no ceiling joists closer than 2" to a chimney, unless protected as required by North Carolina Residential Building Code.

6. Roof

a. No rafters rotted, broken, sagging or improperly supported ends.
b. All eaves in proper structural condition.
c. No rafters seriously fire damaged.
d. Rafters shall be properly braced and tied 4' O. C. Maximum.
e. Attic shall be ventilated. A net free area of at least 1/150 of the attic floor space is required. Construction caused by screens and louvres must be subtracted to obtain the net area.
The net free area must be cut to 1/300 if 50 per cent of the ventilation is in the upper portion of the attic
f. No rotted, loose, fire-damaged or sagging sheathing.
g. No loose roof covering, no holes, no leaks causing damage to structure or rooms.
h. There shall be a minimum of Class C roof covering, No wood shingles shall be exposed.
i. Proper flashing at walls or chimneys.
j. There shall be no roof with more than two (2) coverings. For this purpose, wood shingles shall not be considered a covering.

7. Porches

a. Foundation, floor, ceiling and roof equal to standards as set forth above, except: sills and joists n need not be level if providing drainage of floor; floors need not be weathertight; floors need not be level if provi for drainage; ceiling height may be 7' 0" and attic need not be vented.
b. Adequate posts and railings, not rotted, broken or termite damaged.

8. Stairs and Steps

a. Free of holes, grooves and cracks large enough to constitute accident hazards.
b. Stairwells and flights of stairs more than five risers high shall have rails not less than 32" measured vertically from the nose of the treads to the top of the rail.
c. Every rail firmly fastened and maintained in good condition.
d. No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent structures.
e. No rotting, sagging or deteriorating supports.
f. Every stair tread uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without damger of breaking through.

H. Property Maintenance

1. Building and Structures

a. Exterior wood surfaces, not inherently resistant to deterioration, periodically treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.
b. Floors, walls, ceilings, furnishings and fixtures maintained in clean and sanitary condition.

2. Open Areas

a. Surface and subsurface waters appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.
b. Fences and other accessory structurds or buildings shall be maintained in safe and substantial condition or demolished.
c. Yards and courts kept clean and free of physical hazards, rubbish, trash, garbage, junked or abandoned auto parts, and the like.
d. No heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health.

3. Infestation

a. Grounds, buildings and structures maintained free of insect, vermin, and rodent harborage and infestation by generally accepted methods of extermination.

4. Garbage and Refuse

a. Adequate sanitary facilities and methods provided and used for the storage, handling, and disposal of garbage and refuse.

Sec. 8-23 Reserved

Sec. 8-24 BUILDINGS UNFIT FOR HUMAN HABITATION

(A) The inspector shall determine that a building is unfit for human habitation or a building is dangerous if he finds that any of the following conditions exist in such building:

1. Supporting member or members which show thirty-three per cent (33%) or more of damage or deterioration, or non-supporting enclosing or outside walls or covering which show fifty per cent (50%) or more of damage or deterioration.
2. Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
3. Such damage by fire, wind, or other causes as endangers the lives, safety, or welfare of the occupants or other people in the City.

4. Dilapidation, decay, insanitation, or disrepair which is likely to cause sickness or disease, or to work injury to the health, safety, or welfare of the occupants or other people in the city.
5. Inadequate facilities for egress in case of fire or panic.
6. Defects therein increasing the hazards of fire, accident, or other calamities.
7. Such lack of adequate ventilation, light, heating, or sanitary facilities as endanger the health, morals, safety, or general welfare of the occupants or other residents of the city.
8. Violation of any provisions of the building regulations or fire prevention laws or ordinances of the state or city.

(B) A building shall be construed by the inspector to be unfit for human habitation or a dangerous building, and he shall so find if the same does not have minimum facilities as required in this chapter.

Sec. 8-25 Reserved

Sec. 8-26 RESPONSIBILTTY OF OCCUPANT AND OWNER

(A) Occupant.
Every occupant of a dwelling unit or an apartment shall:
1. Keep that part of a dwelling unit or an apartment which he occupies and controls in a clean and sanitary condition.
2. Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
3. Be responsible for the extermination of any insects, rodents, or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequate rodent-proof building.
4. Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are nor provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
5. Not place on the premises any material which causes a fire hazard or otherwise endangers the health of any occupants of such building; not place in storage on the premises any furniture, auto parts, junk, equipment, or material which harbors insects, rodents, or other pests.
6. Not occupy any dwelling unit or apartment so that any occupancy or use resulting therefrom violates any of the provisions of this chapter.
7. Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures.
8. Not place on the premises for use any oil or gas fired portable or non-vented cook stove, or heater.
9. Not place on the premises for use any heating or cooking unit which constitutes a fire hazard.

(B) Owner

An owner remains liable for violations of duties imposed upon him by this chapter even though:

1. An obligation is also imposed on the occupants.
2. The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

Secs. 8-27, 8-28 Reserved

Sec. 8-29 ENFORCEMENT

(A) Duty of Inspector
It shall be the duty of the inspector diligently to examine the dwelling and buildings located in the City for the purpose of locating and taking action with respect to such dwellings as appear to be unfit for human habitation and such buildings as appear to be dangerous.

(B) Powers of Inspector

1. Upon discovering a violation under Section 8-21, the inspector shall have the power immediately to:
a. Cause to be posted on the main entrance of any building a placard with words which, in effect, provide notice that the building has been condemned and that occupancy for human habitation is prohibited, and further setting forth the reasons therefor.
b. Order the correction of any violations thereof, or otherwise order the building vacated within Forty-eight (48) hours from date of notice thereof.
c. Pursue any other remedial action as the inspector may deem reasonably necessary in order to effectuate the purposes of this chapter.

2. Whenever a petition is filed with the Building Inspector by a public authority, or by at least five residents of the City charging that any dwelling is unfit for human habitation or any building is dangerous or whenever it appears to the Building Inspector (on his own motion) that any dwelling is unfit for human habitation or any building is dangerous, the Inspector shall, if his preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector (or his designated agent) at a place within the City of Asheville at a time fixed not less than 10 days nor more than 30 days after the serving of said Complaint. The owner and partids in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

3. If, after such notice and hearing, the inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his finding of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order:

(a) If the erpair, alteration, or improvement of said building, bringing it up to the standards described herein, can be made at a cost of less than 60 per cent of the present value of the building, the order shall require the owner, within the time specified therein, to repair, alter, or improve such building so as to render it fit for human habitation or to vacate and close the building as a human habitation, or it shall require the owner within the specified time therein to repair, alter or improve such building so as to render it safe or to vacate and close the building for any and every use.

(b) If the repair, alteration, or improvement of said building, bringing it up to the standards descrived herein, cannot be made at a cost of less than 60 per cent of the present value of the building, the Oreer shall require the owner, within the time specified therein, to demolish such building.

4. The Building Inspector is hereby authorized to fix the reasonable value of dwelling or building for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the Inspector within 15 days after receipt of an order. Upon such protest, the Inspector shall nominate one competent and disinterested person; the protesting party shall nominate one competent and disinterested person; and the two persons so nominated shall nominate a third competent and disinterested person; and the three persons so nominated shall serve as commissioners of appraisal. Said commissioners shall make their appraisal of the value of dwelling or building under consideration, shall return said appraisal to the Inspector and the protesting party within 10 days after their appointment; and said appraisal shall be binding and conclusive for the purpose of this section. The cost of any such appraisal shall be paid by the protesting party to the Inspector at the time of filing written protest.

If the owner of a building, fails to comply with an order to repair, alter, or improve; or to vacate and close the building; the Inspector may cause such building to be repaired, altered or improved; or to be vacated and closed. The Inspector may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

If the owner of a building fails to comply with an order to repair, alter, or improve; or to vacate and close a building the Inspector may cause such building to be repaired, altered, or improved, or to be vacated and closed. the inspector shall cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is dangerous, IT is hereby closed and its use is prohibited."

If the owner fails to comply with an order to remove or demolish the building, the Inspector may cause such building to be removed or demolished; provided, however, that the duties of the Inspector set forth in paragraphs (5), (6), and (7) of this section shall not be exercised until the City Council shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this code with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation or dangerous, and which property or properties shall be described in the ordinance.

Renting of unfit dwelling after notice.

When the Inspector finds that a building is unfit for human habitation or dangerous within the meaning of this section and has notified the owner to such effect and the time limit set by the inspector for the correction of defects or vacating same has expired, no person shall receive rentals, offer for rent or occupy such building as a human habitation, and each day such offense continues shall be deemed a separate offense. Any person violating these provisions shall be guilty of a misdemeanor, and upon conviction such offender shall be punished by a fine of not more than Fifty ($50.00) Dollars for each separate offense.

The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Inspector shall be a lien against the real property upon which such cost was incurred. Said cost shall be placed upon the City's tax books against the said property and may be collected and the said lien may be foreclosed in the same manner as taxes are collected and foreclosed, or by suit as the City may determine. If the housing is removed or demolished by the Inspector, he shall sell the materials of such building, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Inspector, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court in a Special Proceeding brought before the Clerk of Superior Court for said purpose.

Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice, or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm, or corporation.

Sec. 8-3 COMPLAINTS AND ORDERS

Complaints or orders issued by the Inspector pursuant to this code shall be served upon persons either personally or by registered or certified mail; but if the whereabouts of such person is unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, and the Inspector shall make an affidavit to that effect, then the serving of such complaint or order such persons may be made by publishing the same once a week for two consecutive weeks in a newspaper printed and published in the City. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office for the filing of lis pendens notices in Buncombe County and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

Sec. 8-31 REMEDIES - INJUNCTION

Any persons affected by an order issued by the Inspector may petition to the Superior Court for an injunction restraining the Inspector from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the Inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the Inspector, such person shall present such petition to the court. Hearings shall be had by the court on such petitions within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction.

8-32 FURTHER POWERS

The Inspector shall have such powers as may be necessary, lawful or convenient to carry out and effectuate the purpose and provisions of this chapter, including (without limiting the generality of the foregoing) the following powers in addition to others herein granted:

(a) To investigate and examine dwellings and building conditions in the city in order to determine which dwellings therein are unfit for human habitation and which buildings are dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this chapter.

(b) To enter upon and within premises, dwellings and buildings for the purpose of making examinations and investigation, provided, that such entries shall be lawful and made in such manner as to cause the least possible inconvenience to the persons in possession.

(c) To appoint and fix the duties, as provided in this chapter, of suhh officers, agents and employees as he deems necessary to carry out the purpose of this chapter.

(d) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

Sec. 8-33 NOTICES

(A) No person, firm, or corporation without written consent of the Building Inspector shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this chapter. Any person, firm, or corporation violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to and shall pay a penalty of fifty ($50.00) dollars for each and every offense.

(B) No person shall damage, mutilate, or remove, nor shall any person suffer, permit, or cause to be damaged, mutilated, or removed from or in a dwelling unit any of the facilities referred to in Section 8-29 hereof.

(C) It shall be unlawful for the owner of any building upon whom a notice, complaint, or order has been served to sell, transfer, mortgage, lease, or otherwise dispose thereof until the provisions of the notice,

complaint, or order have been complied with, or until such owner shall first furnish to the transferee, lessee, or mortgagee prior to such transfer, lease, or mortgage a true copy of any notice, complaint, or order issued by the Inspector and at the same time give written notice to the Inspector of the intent to transfer, lease, or mortgage and to whom the transfer, lease, or mortgage is proposed. A transferee, lessee, or mortgagee who had received actual or constructive notice of the existence of a notice, complaint, or order shall be bound by such notice, complaint, or order as of the date of such transfer, lease, or mortgage without service of further notice upon him.

Sec. 8-34 FAILURE TO COMPLY WITH ORDERS; BUILDINGS DECLARED NUISANCE, OCCUPANCY AFTER ISSUANCE OF ORDER; PENALTY

If any order issued and served in accordance with this chapter is not complied with within the time specified herein, the building with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person that had knowledge of the issuance of the said order to occupy any portion of said building for any purpose under a penalty of a fine of Fifty ($50.00) Dollars and/or thirty (30 days imprisonment. Each day is a separate offense. A placard placed on the building shall be the same as a written order delivered to owner or agent.

Sec 8-35 REDUCTION OF PENALTY

The judgment for any penalty provided for in this chapter may be reduced or wholly or partly remitted by the presiding judge as he may deem just in any case tried before him.

Sec. 8-36 EMERGENCY CASES

(A) In emrgeency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unit unfit for human habitation or a dangerous building as herein defined is immediately repaired or demolished, the inspector shall cause the immediate repair or demolition of the said building and the cost of such repair or demolition shall be recovered and collected as is provided in section 8-29 (B) 9 hereof.

(B) The employees of the Asheville Fire Department, Asheville Police Department, and Buncombe County Health Department shall make a report in writing to the Inspector of all buildings or structures which are, may be, or are suspected of being, unfit for human habitation, or a dangerous building within the terms of this chapter, such report to be delivered to the Inspector within twenty-four (24) hours of the discovery of such building by such employees of the Asheville Fire Department, Asheville Police Department, and Buncombe County Health Department.

Sec. 8-37 INSPECTIONS

The Chief of Building Inspections shall establish a schedule of inspections such that would allow him and/or his agents to inspect all dwelling units within the City within a reasonable period of time. Such period of time shall be such that the purposes of this code will be served effectively.

Sec. 8-38 INSPECTION OF VACANT UNITS.

In order to comply with the purposes of this code, the Inspector is hereby directed and authorized to inspect all dwelling units as they become vacant or at such time as the occupancy of the unit is changed; and should he find violations, it shall be his duty to proceed as under the terms of this code provided.

Sec. 39 - CERTIFICATE OF OCCUPANCY

(A) That in order to aid the Inspector in determining the vacancy of dwelling units, the Water Department of the City of Asheville and the Carolina Power and Light Company of Asheville will make available daily, reports of requests for meter disconnections, removals, and changes in the meter registration. That prior to the reconnecting, reinstallation, or meter registration change, a Certificate of Occupancy must be first issued by the Inspector.

(B) That in such cases where the owner is not the occupant of the dwelling unit but there the water or electrical meter is registered in the owner's name, the owner or his agent shall notify the Inspector at such time as the dwelling unit shall become vacant and secure a Certificate of Occupancy before the dwelling unit is reoccupied.

(C) That in such cases where there are neither water nor light connections in the dwelling unit, the owner or his agent shall notify the Inspector at such time as the dwelling unit shall become vacant and secure a Certificate of Occupancy before the dwelling unit is recoccupied.

Sec. 8-40 CONSTRUCTION - CONFLICTS

Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measures and procedures herein provided for do not superseded, and this article does not repeal any other measures or procedures which are provided by ordinance or state law for the elimination, repair, or correction of the conditions referred to in sections 8-14 and 8-15, but the measures and procedures herein provided for shall be in addition to the same and where the provisions of this code are similar with provisions of other applicable laws, codes, or ordinances, the more stringent provision shall apply.

Sec. 8-41 INVALIDITY

That notwithstanding any other evidence of intent, it is hereby declared to be the controlling intent of the Asheville, North Carolina, City Council that if any provision of this code or the application thereof to any person, firm, or corporation or circumstances is held invalid, the remainder of this code and the application of such provisions to persons, firm or corporations or circumstances other than those to which it is held invalid, shall not be affected thereby.

I move the adoption of the foregoing ordinance, this 4 day of April, 1968.

Robert P. Crouch
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 18 day of April, 1968, to become effective 3 day of May, 1968.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Ordinance No. 595, being "AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME, was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 595

AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES AND JUNK MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE DISPOSITION OF SAME

WHEREAS the 1967 General Assembly has amended N. C. G. S. 160-200 (43) relating to abandoned motor vehicles and added N. C. G. S. 160-200 (44) relating to abandoned junk motor vehicles and in order to conform with the provisions thereof, it is necessary to amend Ordinance #555:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That Ordinance No. 555, entitled 'an Ordinance Prohibiting Abandonment of Vehicles, Providing for Impoundment of Certain Vehicles and Providing Penalties for the Violation Thereof" be and the same is hereby repealed, and in lieu thereof the following sections are hereby enacted:

Section 1. UNLAWFUL TO ABANDON OR DISCARD ANY VEHICLE WITHIN THE CITY.

It shall be unlawful for any person to abandon, within the following definitions, any vehicle within the City of Asheville, and it shall be unlawful for any persons to leave or allow to remain any partially dismantled, non-operating, junked or otherwise discarded vehicle on property under his control.

Section 2. DISPOSITION OF ABANDONED MOTOR VEHICLES.

A Duty of the Owner of Vehicle to Remove. If a motor vehicle is abandoned on the public streets or public grounds, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal of such vehicle immediately and pay all costs incident to such removal.

(B) Removal Whenever any motor vehicle is abandoned on the public streets or public grounds, or is abandoned upon privately owned property, any such vehicle may be removed by or under the direction of a law enforcement officer or the Chief of Building Inspections or his duly appointed agents to a storage area or garage; provided that no such vehicle shall be removed from privately owned premises without the written request of the owner, lessee or occupant of the premises unless the same has been declared by the City Council to be a health or safety hazard. When such vehicle is removed from privately owned property, the person at whose request such vehicle is removed shall indemnify the city for any expense incurred by reason of the removal, storage or sale thereof. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay to the city all reasonable costs incidental to the removal, storage and locating the owner of the vehicle.

(C) Sale of Abandoned Motor Vehicles. Should such owner of a motor vehicle fail or refuse to pay the costs above stated or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made by a law enforcement officer or the chief of building inspections or his duly appointed agents and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, a designated law enforcement officer of the police department or the chief of building inspections or his designated agent may, after holding the vehicle for thirty (30) days and after having the value of such vehicle determined by three (3) disinterested automobile dealers or garagement, dispose of the same by public or private sale, or in the event of an appraised value of less than fifty dollars ($50.00) said vehicle may be destroyed or otherwise disposed of in the discretion of said law enforcement officer or the chief of building inspections or his duly appointed agents, and the proceeds from the sale shall be forwarded to the City Treasurer. Provided that twenty (20) days' notice shall be given the Department of Motor Vehicles before the date of sale giving all information which can be reasonably ascertained to identify the vehicle. The City Treasurer shall pay from the proceeds of the sale the costs of removal, storage, investigation as to ownership and sale, and liens in that order. If, after the sale, the ownership of any vehicle at the time of its removal is established satisfactorily by the person claiming such ownership, he shall be paid so much of the proceeds from the sale of such vehicle as remains after paying the costs of removal, storage, investigation as to ownership and sale, and any liens, as hereinabove required. However, if the owner cannot be ascertained, any remaining proceeds shall be deposited to the general fund of the city.

Upon receipt of the city's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as hereinbefore provided, the Department of Motor Vehicles shall issue a certificate of title to said person if a certificate of title for such vehicle is required by law.

Whenever any such vehicle shall remain unsold for a period of sixty (60) days from and including the day when the same shall have been delivered under the direction of any municipal officer charged with the keeping or sale of the same, any such vehicle may be destroyed, removed or otherwise disposed of by such municipal officer.

(D) Abandoned Vehicle Defined; Motor Vehicle or Vehicle Defined; Immunity. A vehicle shall be deemed to have been abandoned for the purposes of the foregoing subsections in the following circumstances:

(1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or

(2) The vehicle fails to display a current license plate; or

(3) It is partially dismantled or wrecked; or

(4) It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or

(5) It is left on property owned or operated by the city for a period of not less than twenty-four (24) hours; or

(6) It is left on private property without the consent of the owner, occupant or lessee thereof for a period of not less than two hours; or

(7) It is left on any public street or highway of the city for a period of not less than seven (7) days.

The term "motor vehicle or "Vehicle" as used herein is hereby defined to include all machines designed to be self-propelled or pulled and intended to travel along the ground by means of wheels, treads, runners or slides. No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle, or fir disposing of such vehicle as contemplated herein. Nothing herein shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of such business enterprise. or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

Section 3. DISPOSITION OF ABANDONED JUNK MOTOR VEHICLE.

(a) Abandoned Junk Motor Vehicle Defined.

Whenever a motor vehicle is found to be an abandoned motor vehicle as defined in Section 2(d) and, in addition, is found to be inoperable, dismantled or damaged, five (5) years old or older, and worth less than fifty dollars ($50.00), it shall be deemed to be an abandoned junk motor vehicle.

(b) Removal. Whenever any junk motor vehicle is abandoned on the public streets or public grounds, or is abandoned upon privately owned property, any such vehicle may be removed by or under the direction of a law enforcement officer or the chief of building inspections, or his duly appointed agents, to a storage area or garage; provided that no such vehicle shall be removed from privately owned premises without the written request or permission of the owner, lessee or occupant thereof unless the same has been declared to be a health, safety or fire hazard by the City Council. When such vehicle is removed from privately owned property, the person at whose request such vehicle is removed may be required to pay or otherwise indemnify the city for any expenses incurred by reason of its removal and storage.

(c) Procedure Subsequent to Removal.

Any junk motor vehicle so removed shall be held for a period of at least fifteen (15) days. The owner of any such vehicle may reclaim his vehicle during the fifteen (15) days retention period by exhibiting proof of ownership to a law enforcement officer or the chief of building inspections, or his duly appointed agents, and after paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses. If, after holding the vehicle fifteen (15) days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of by private or public sale. Any proceeds derived from the disposition of junk motor vehicles shall be retained by the city for deposit in the general fund. Within fifteen (15) days after final disposition, written notice thereof shall be given to the Department of Motor Vehicles stating that such vehicle has been deemed to be an abandoned junk motor vehicle, the manner of final disposition, and as full and accurate a description of the vehicle as can reasonably be determined.

(d) Disposition With Owner's Consent.

A law enforcement officer or the chief of building inspections and his duly appointed agents may, with the the written consent of the owner of a vehicle, remove and dispose of any motor vehicle as a junk motor vehicle regardless of the value, condition or age of such vehicle and without waiting the aforesaid fifteen (15) day period.

(e) Immunity from Civil and Criminal Action

No person shall be held to answer in any civil or criminal action to any owner, lien holder or other person legally entitled to the possession of any abandoned, lost or stolen junk motor vehicle for disposing of such vehicle as contemplated herein.

Section 10. That this ordinance shall be in full force and effect fifteen days after date of publication.

Section 11. That all ordinances and clauses of ordinances in donflict herewith be and the same are hereby repealed.

I move the adoption of the foregoing ordinance, this 6 day of April, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 18 day of April, 1968, to become effective the 7 day of May, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 596, being "AN ORDINANDE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', as AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager discussed the petition filed by the Asheville Taxi Association, representing all taxicab

firms in the city, and it was noted that the present ordinance was enacted in 1964 when the meter system was adopted and the current rate of 45 cents for the first half-mile and ten cents for each quarter-mile thereafter was established. The petition requests that the rate be increased to 55 cents for the first half mile, and the ten cents for each subsequent quarter mile would be the same.

Speaking in favor of the increase were John Darity, Fuller H. Chapman, and Norman C. Ramsey.

Councilman Algary commented that many taxicab drivers fail to signal turns and violate other traffic regulations, and inquired whether drivers are required to take special training.

It was advised that they must pass a screening at the State Highway Patrol office, and must also obtain a city chauffeur's license, and that chauffeur's licenses are more difficult to obtain than licenses for individual drivers.

Following the discussion, Councilman Sumner moved that an amendment be prepared giving the increase requested, which motion was seconded by Councilman Morgan and unanimously adopted.

Mr. Roy Rogers, a resident in the East Riverside Urban Renewal area, appeared before the Council to protest plans which he said would cause many residents to lose homes which are in good condition.

Several citizens also spoke concerning this matter, including Mrs. Rogers, Mrs. James E. Smith, Edward [illegible], Mrs. Luther, Mr. McCord, Reverend Davis, and others.

The City Manager pointed out from a plan approved by the Redevelopment Commission and the City Council that one of the homes is on the proposed site for garden-type housing, but that 50 per cent of the homes in the area would be left standing. The City Manager listed properties owned by those present, and advised that he would check and report to them later concerning the status of the various properties.

Mr. Lorence Rapoport of 175 Windsor Road made inquiry concerning progress being made an annexation survey heretofore discussed, and was advised that the target date is 1970 when the new census will be made, and that the survey is now going ahead, and the city expects to increase the square mile area before this target date.

INGLE

Mr. Rappoport also brought up the matter of the cartway constructed on private property near Inglewood Blvd. and asked that traffic signs be installed.

The City Manager advised that this is a private cartway , and was not a part of the street system, but that an investigation would be made of the request.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 25, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 25, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ORDINANCE No. 596, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 596

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That Lots 8, 9, 9-1/4, 10, 10-1/2, and 11, Sheet 1, Ward 6 be rezoned from RA-5 Residential District to Commercial.

(b) That the portion of Lots 9-1/4, 10-1/2 and 10 now shown on the Buncombe County Tax Maps as Lots 1 and 288, Sheet 1, Ward 6 be rezoned from RA-5 Residential District to Commercial.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 11 day of April, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 25 day of April, 1968, to become effective 11 day of May, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that, as requested by the Council, an ordinance relating to taxicab fares had been prepared.

Councilman Algary then introduced ordinance No. 597, being "AN ORDINANCE AMENDING SECTION 37-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote.

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the recommendation of the Planning and Zoning Commission which would require that no dwelling shall be erected on a lot which does not abut on at least one street for at least twenty feet; no building in the rear of a main building on the same lot may be used for residential purposes; and any principal use hereafter erected or moved shall be located only on a lot which abuts an open, publicly dedicated and publicly maintained street.

There was a discussion concerning this ordinance, and the City Manager suggested that the hearing be continued for two weeks from today, and that the Planning and Zoning Commission be invited to come to the meeting and explain the entire matter.

Councilman Crouch moved that this be done, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager advised that a lease had been negotiated for 16,000 square feet of land at Haywood and Carter Streets for use as a parking lot at a rental of $100.00 a month, which property would park 50 cars and produce an estimated monthly income of $200, and suggested that a twenty-five year lease be prepared.

Councilman Sumner moved that the City Manager so proceed, which motion was seconded by Councilman Crouch, and unanimously adopted.

The City Manager presented each member of the Council with a copy of the Annual Report of the Police Department.

The City Manager recalled that by bond referendum held on December 5th Auditorium Bonds in an amount not exceeding $4,000,000 was voted for the purpose of providing funds, with other available funds, for erecting an auditorium building with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds, parking facilities, including the acquisition of necessary land and apparatus, fixtures and equipment, and asked the Council to fix a date for a public hearing on a resolution which he had prepared, which resolution was read in full by the Clerk.

Councilman Crouch moved that a hearing be set on May 16th to consider this resolution, which motion was seconded by Councilman Mulvaney.

Councilman Algary said he agreed that a hearing should be held, but stated it should not be held on the resolution, but that the Council should have an open mind, and then decide on what location would be the best.

Councilman Algary then discussed the various proposed sites, pointing out that the Montford Avenue-Cherry Street is generally considered to be the number one site, and suggested that negotiations be reopened with property owners in this area, and that a top-flight real estate man be employed for this purpose.

The City Manager advised that he proposed the city-owned Aston Park site because the real estate in the Montford Avenue area was not financially available, and that he felt some action should be taken on a site for the facility.

Following the discussion, a vote was taken on the motion and it was adopted.

Mr. William Cocke, attorney for the Housing Authority of the City of Asheville, presented requests that a portion of Oakland Avenue and Silico Street and a portion of Pine Grove Avenue and Black Street be closed, advising that the Housing Authority owns all the property on both sides of the portions of said streets requested to be closed.

The City Manager advised that a resolution would be prepared setting the date for a public hearing, after due advertisement, on the requests.

Mrs. Roy Rogers and several other residents in the East Riverside Urban Renewal Area again appeared before the Council to protest plans which would cause residents to lose homes which are in good condition.

The City Manager advised that this property is now being appraised, and that it will be at least six months before any action is taken in this matter, but that he will keep the property owners informed.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 2, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 2, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read, and Councilman Algary commented that his statement at last week's meeting was not fully recorded, and the minutes were approved.

A request was received from Hall J. Hensley that Lots 14 and 15, Sheet 18, Ward 7 be rezoned. This request was referred to the Planning and Zoning Commission for study and recommendation.

A request was received from Emma D. Adler that the Sky Club property be rezoned. This request was referred to the Planning and Zoning Commission for study and recommendation.

ZO

A letter was received from the Planning and Zoning Commission recommending that the petition requesting the property on Sunset Mountain be rezoned to RA-10 Residential District be denied.

May 2, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held May 1, 1968, the following action was taken on the Petition of Dr. Bruce Franz and Others that property on Sunset Mountain be rezoned to RA-10 Residential District:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the Council

A letter was received from the Planning and Zoning Commission recommending the approval of a site plan of the group development project for the Housing for the Elderly on South French Broad Avenue adjacent to Aston Park.

May 2, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission, at its regular meeting held May 1, 1968, reviewed the group development project for the Housing for the Elderly on South French Broad Avenue adjacent to Aston Park.

The overall plan, as submitted and discussed by Mr. Joseph Hall of Sappenfield, Wiegman, Hall and Associates, shows the ultimate development of the entire project to include additional units to be constructed as far south as Timothy Street.

The Planning and Zoning Commission noted that the site plan met the city's requirements and recommends to City Council that it be approved.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews,
Executive Director

DYM:nr
Enclosure - 2 maps

The City Manager advised that before Council action it will be necessary to hold a public hearing after giving fifteen days notice, and Councilman Mulvaney moved that the Clerk be authorized to give public notice of a public hearing on this matter to be held on May 23, 1968, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from the Chairman of the Recreation Board inviting Council members to attend an "Open House" of the Oakley Community Center on Sunday, May 5th from 3 to 5 p. m.

A letter was received from R. A. Brockway, Director of Jobs for the Handicapped, requesting that the City include in its budget for the fiscal year 1968-69 the amount of $18,553.50.

A letter was received from the Tunnel Road Association recommending a proposal of 65 acres of land located adjacent to the Tunnel Road and the proposed I-40 Connector Route for the new auditorium - convention center.

Councilman Sumner suggested that all proposals be reviewed at the same time at the public hearing to be held on May 16th.

Ordinance No. 597, being "AN ORDINANCE AMENDING SECTION 37-8 of CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager by use of a map explained the provisions of a resolution providing for a street layout plan for Civic Redevelopment Project NC R-13, and pointed out that similar action will be required when final routes on the east end of the project in the vicinity of Beaucatcher Tunnel have been determined, and announced that this is a public hearing after due advertisement according to law.

Councilman Algary suggested that College Street be widened to at least five lanes, and that this should be taken into consideration now. The Mayor inquired if there were questions or comments from the audience concerning the proposed amendment. There were none.

There was no objection to the resolution entitled "RESOLUTION OF THE CITY COUNCIL OF ASHEVILLE, NORTH CAROLINA APPROVING THE URBAN REDEVELOPMENT PLAN, AMENDMENT NO. 1 AND THE FEASIBILITY OF RELOCATION FOR PROJECT NO. N.C. R-13", which was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously adopted.

RESOLUTION OF THE CITY COUNCIL OF ASHEVILLE, NORTH CAROLINA
APPROVING THE URBAN REDEVELOPMENT PLAN, AMENDMENT NO. 1
AND THE FEASIBILITY OF RELOCATION FOR PROJECT NO.
N.C. R-13

WHEREAS, under the provisions of Title 1 of the Housing Act of 1949, as amended, the Housing and Urban Development Secretary is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban redevelopment projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Redevelopment Plan for the respective projdct area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Redevelopment Plan; (2) the Urban Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the

locality as a whole, for the rehabilitation or redeveloomentof the urban redevelopment area by private enterprise; (3) the Urban Redevelopment Plan conforms to a general plan for the develoomentof the locality as a whole; and (4) the Urban Redevelopment Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Asheville (herein called the "Local Public Agency") has entered into a planning contract for financial assistance under such Act with the United States of America, acting by and through the Secretary of the Department of Housing and Urban Development, pursuant to which Federal funds were provided for

WHEREAS, it is desirable and in the public interest that the Redeveloomment Commission of the City of Asheville (herein called the "Local Public Agency") undertake and carry out the urban redevelopment project (herein called the "Project") identified as "Civic Redevelopment Project N.C. R-13" and encompassing the area described on the attached pages in the City of Asheville, State of North Carolina (herein called the "Locality"); and

WHEREAS, the Local Public Agency has applied for additional financial assistance under such Act and proposes to enter into an additional contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available additional financial assistance for the Project; and

WHEREAS, the Local Public Agency has applied for additional financial assistance under such Act and proposes to enter into an additional contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available additional financial assistance for the Project; and

WHEREAS, the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural, and economic conditions of the Project area and has determined that the area is a blighted area and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, because of dilapidated, deteriorated, obsolete, or over-crowded, unsanitary and unsafe buildings, inadequate and unsafe streets, and the members of this Governing Body have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the City Council of the Locality (herein called the "Governing Body") for review and approval of an Urbaan Redeveloomment Plan Amendment Number 1, for the Project area, dated November, 1967, and consisting of 35 pages and seven exhibits; and

WHEREAS, the Urban Redevelopment Plan Amendment Number 1 has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Body's duly certified resolution approving the Urban Redevelopment Plan, which is attached thereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the locality as a whole; and

WHEREAS the Asheville Planning and Zoning Commission, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Urban Redevelopment Plan Amendment Number 1 for the Project area and has certified that the Urban Redevelopment Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS, the Urban Redevelopment Plan Amendment Number 1 for the Project area prescribes certain land uses for the Project area and will require, among other things changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Redevelopment Commission of the City of Asheville has caused to be made a competent independent analysis of the local supply of hotel and other transient housing; and

WHEREAS the Local Public Agency has prepared and submitted a program for the relocation of families that may be displaced as a result of carrying out the Project in accordance with the Urban Redeveloomment Plan Amendment Number 1 and

WHEREAS there have also been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the Project area and the assembling and analysis of the data and information obtained from such studies, surveys and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in the Project area and of the availability of proper housing in the Locality for the relocation of families that may be displaced from the Project area and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS it is necessary that the Governing Body take appropriate official action respecting the relocation program and the Urban Redevelopment Plan Amendment Number 1, for the Project, in conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Housing and Urban Development Secretary; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under Title 1, including those prohibiting discrimination because of race, color, creed, or national origin:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. That it is hereby found and determined that the Project is a blighted area and qualifies as an eligible pfoject area under N. C. Urban Redevelopment Law G. S., Chapter 160, Article 37.

2. That the Urban Redevelopment Plan Amendment Number 1 for the Project, having been duly reviewed and considered, is hereby approved, and the Clerk be, and is hereby directed to file said copy of the Urban Renewal Plan with the minutes of this meeting.

3. That it is hereby found and determined that the objectives of the Urban Redevelopment Plan cannot be achieved through rehabilitation of the Project area.

4. That it is hereby found and determined that the Urban Redevelopment Plan for the Project area conforms to the general plan of the Locality.

5. That it is hereby found and determined that the financial aid to be provided pursuant to the contract

for Federal financial assistance pertaining to the Project is necessary to enable the Project to be undertaken in accordance with the Urban Redevelopment Plan, Amendment Number 1 for the Project area.

6. That it is hereby found and determined that the Urban Redevelopment Plan, Amendment Number 1 for the Urban Redevelopment Area will afford maximum opportunity, consistent with the sound needs of the Locality as a hole, for the urban renewal of the Area by private enterprise.

7. That it is hereby found and determined that the Urban Redevelopment Plan, Amendment Number 1 for the Urban Redevelopment Area gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.

8. That it is hereby found and determined, as a result of a competent independent analysis of the local supply of transient housing, that there exists in the area a need for additional units of such housing.

9. That it is hereby found and determined that the program for the proper relocation of families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonaly and timely effected to permit the proper prosecution and completion of the Project; and that such dwellings or dwelling units avaiable or tobe made available to such displaced families are at least equal in number to the number of displaced families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced families in the Project area, are available at rents or prices within the financial means of the displaced families, and are reasonably accessible to their places of employment.

10. That in order to implement and facilitate the ffectuation of the Urban Redevelopment Plan Amendment Number 1 is hereby approved, it is found and determined that certain official action must be taken by this Body with reference among other things to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and accordingly, this Body hereby (a) pledges its cooperation in helping to carry out the Urban Redevelopment Plan, Amendment Number 1; (2) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Urban Redevelopment Plan, Amendment Number 1, and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Urban Redevelopment Plan, Amendment Number 1.

11. That additional financial assistance under the provisions of Title 1 of the Housing Act of 1949, as amended is necessary to enable the land in the Project area to be renewed in accordance with the Urban Redevelopment Plan for the Project area, and accordingly, the filing by the Local Public Agency of an application or applications for such financial assistance under Title 1 is hereby approved.

I move the adoption of the foregoing resolution.

Robert P. Crouch
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 2nd day of May, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that in cooperation with the Asheville Transit Authority application is to be made to the Department of Housing and Urban Development for a grant under the Urban Mass Transportation Act of 1964, as amended, and that the city will eventually pay one-third of the grant.

Councilman Mulvaney then introduced a resolution authorizing the filing of an application with the Department of Housing and Urban Development, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 5 at page 167.

RES

The City Manager advised that a resolution had been prepared, at the request of the Housing Authority, setting a date of a public hearing to close portions of certain streets.

Councilman Algary then introduced a resolution providing for a public hearing on petition to close a portion of Pine Grove Avenue, a portion of Black Street, a portion of Oakland Avenue and a portion of Silico Street, which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 168.

The City Manager advised that following an offer of purchase by Gust A. Pappas the property on Ashland Avenue was advertised for sale, and the sale was held at the Court House door, at which time Gust A. Pappas became the highest bidder, that tan days have elapsed, and no raised bid has been received.

Councilman Sumner then introduced a resolution directing Mayor to execute deed to Gust S. Pappas and wife,

Mary G. Pappas, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 169.
Copy of deed will be found attached to original resolution.

The City Manager advised that lease had been prepared for an off-street parking facility with Mildred M. Noell.

Councilman McRary then introduced resolution authorizing Mayor to execute lease with Mildred M. Noell for operating off-street parking facility by city, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 170.
Copy of lease will be found attached to original resolution.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending March 31, 1968.

Councilman Algary stated that he had recently visited the Fayetteville auditorium complex and had a talk with the manager of said facility; that he secured much valuable and interesting information during this visit; and suggested that the Council make a visit to the Knoxville and see the set-up there and talk with the Manager and other civic leaders; and that he thought such a trip would be well worth while.

There was a discussion by the Council members, and Councilman Crouch suggested that the Mayor set up such a trip.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 9, 1968 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 9, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, Dr. Robert P. Crouch and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Asheville Merchants Association, Inc. urging the Council to employ the services of an organization qualified by prior experience to evaluate the desirability and feasibility of all locations for the Convention Coliseum facility.

This was received as information by the Council.

Ordinance No. 597, being "AN ORDINANCE AMENDING SECTION 37-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 597

AN ORDINANCE AMENDING SECTION 37-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 8 - Fares Prescribed sub-section (1), of Chapter 27 of the Asheville Code be amended as follows:

That Subsection (1) "For the first one-half mile or fraction thereof..45¢" be stricken out, and the following inserted in lieu thereof:

(1) For the first one-half mile or fraction thereof ..... 55¢

Section 2. That Subsection (3) "For each two minutes of waiting time or fraction thereof...10¢ be stricken out, and the following inserted in lieu thereof:

(3) For each two minutes of waiting time or fraction thereof..... 10¢

Section 3. That this ordinance shall become effective fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 25 day of April, 1968.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 9 day of May, 1968, to become effective 24 day of May, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager announced that today is the date set for the continued hearing on the amendment to the zoning ordinance prohibiting rear dwellings and providing that all lots must have street access, but that the planning staff was out of town and not available to explain these provisions, and suggested that the hearing be continued for two more weeks.

Councilman Crouch moved that the hearing be continued for two weeks from today, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that, as provided by city ordinance setting water rates, Phillips Industries had applied for water in excess of 3,000,000 gallons per month, and that a resolution had been drawn providing a rate therefor.

Councilman Morgan then introduced a resolution approving application of manufacturer of plastic furniture and electronics parts for use of water in excess of three million gallons per month, and establishing rate therefor pursuant to Ordinance No. 540, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 35, page 171.

The City Manager advised that the Redevelopment Commission has set up a schedule of payments in regard to the East Riverside Urban Renewal Project, and, in accordance with the schedule, demands will be made on the city and in order to meet these demands the city should issue bond anticipation notes in the amount of $700,000 for a period of one year beginning June 1st. The City Manager further advised that without objection of the Council he would request the Local Government Commission to offer suggestions for a funding schedule for the East Riverside Urban Renewal Project.

BUD

The City Manager presented the statement showing the budget statement for the period ending April 30, 1968.

In commenting on the budget statement Councilman Algary noted that the water service taps reflected the lack of progress in securing new industry for the area, stating that new industry is necessary for growth, and urging more interest and enthusiasm in this regard.

Councilman McRary stated that he knew any change in the present procedure of electing City Councilmen would have to be made by the General Assembly, but that he favors staggered terms for members of the City Council, and suggested that this matter be looked into.

There being no further business the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 16, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 16, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A petition signed by a number of residents requesting the paving of the section of Old Church Road that extends north from the intersection of Dalton Street and Battle Road for approximately 800 feet was received.

This petition was referred to the Department of Public Works for investigation.

A letter was received from W. T. Burr, Jr. requesting that the city lower its water rates.

This was received as information.

A letter was received from the Central Asheville Association urging the Council to employ the services of professionals in regard to the location of the Convention Coliseum facility.

This was received as information by the Council.

A letter was received from the Asheville Board of Realtors, Inc. urging the Council to employ the services of professionals in regard to the location of the Convention Coliseum facility.

This was received as information by the Council.

This being the date set for consideration of a resolution regarding the site for the auditorium facility, the City Manager called to the attention of the Council that on April 3rd the Council enacted a formal resolution taking note of the additional cost increase in the East Riverside project brought about by a requirement for a third land appraisal, and that in order for the city to receive a $1,000,000 credit for the Auditorium facility and help pay for the city's share of the increased cost of the East Riverside Urban Renewal project it would be necessary to locate the facility within a quarter of a mile from one of two urban renewal projects. The City Manager further advised that the Montford-Cherry site, the Rankin-Walnut Street site and the Aston Park site all fell within this distance.

Councilman Crouch then moved that action on the resolution concerning the auditorium convention complex be postponed for thirty days, and, in explaining his motion noted that a request would be forthcoming later for approval of a land sale to Buncombe County within the Civic Redevelopment Project for construction of a health center, and that he felt that this land should be considered for the auditorium complex, stating he believed the area is large enough for both the auditorium and the Civic Arts Center, and he didn't think use of this land would delay construction of the facility for an appreciable length of time.

Councilman Sumner stated in order to avoid further delay he would second the motion if it could be amended to include a provision that the City Manager employ competent professional help to make a survey of all eligible sites and report to the Council, and that the entire matter be considered at the first meeting of the Council after this report is received. Councilman Crouch accepted the amendment to the motion, which was then seconded by Councilman Sumner

Councilman Algary, in discussing the motion, urged that the securing of professional advice be a little more concise.

The City Manager noted that out-of-town professionals were called in on the airport, water, and sewerage studies, and suggested that with the consent of the Council he consult the city's staff, headed by Dean Y. Matthews, executive director of the Metropolitan Planning Board, and together they will select an expert in the field of building sites.

Following the discussion the motion, as amended, was unanimously adopted.

The City Manager advised that the Asheville Transit Authority has requested that the resolution recently passed by the Council regarding application to the Department of Housing and Urban Development for a grant under the Urban Mass Transportation Act be amended.

Councilman Morgan then introduced a resolution amending "Resolution authorizing the filing of an application with the Department of Housing and Urban Development, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended, which was, upon moiton of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 172.

Councilman Sumner then stated that although he was opposed to Urban Renewal he would make a motion that the City Manager take immediate action to amend the East Riverside Urban Renewal Project to include the area north of Aston Park from Hilliard Avenue to the Crosstown Expressway, and west along the Expressway to its intersection with Patton Avenue, or to include any part of this area that is acceptable to the Redevelopment Commissi on of the City and the Department of Housing and Urban Development, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager then stated that although since the action of the Council postponing selection of a site made it a moot question, the Redevelopment Commission had requested approval of the Council of the sale of property in the Civic Redevelopment Project to Buncombe County for location of a health facility.

Councilman Crouch then moved that action on this request be postponed, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman Sumner suggested that the Health Department remodel and use the David Millard school property for said health facility, and was advised by the City Manager that said property is not now within the Civic Redevelopment Project.

Mr. Jennings Groome presented a resolution of the Housing Authority requesting the City Council to commit the City of Asheville in a letter of intent in regard to establishing a building line 150 feet north of the northeast property corner of the Elderly Housing Project on South French Broad Avenue and proceeding in a westerly direction parallel to the Hilliard Street right-of-way to the Western boundary of Aston Park, and that the rest of the property south of this line in Aston Park be reserved for use as a natural park and recreation area.

This was received as information by the Council.

Mr. Ted Linn stated that many persons in the area were not aware of the requirement that a site for the coliseum must be within a quarter of a mile of one of the two urban renewal projects, and they had been working to provide possible sites for the facility.

Mrs. Sam H. Walker, past president of the City Council of Parent Teachers Associations read a resolution in opposition to the Aston Park site, and requesting that the park be preserved for recreational purposes.

Mr. Loren Packer, representing the Board of Trustees of the YWCA, read a resolution in opposition to the Aston Park site.

Mrs. Hal Cory spoke in opposition to building a coliseum on the park property and requested a joint effort between the City Council, Recreation Department, and schools for recreation programs.

The City Manager outlined briefly for Mrs. Cory the recreation facilities and programs available.

Mr. George Stephens, President of the Central Asheville Association, thanked the Council for postponing action on the Aston Park resolution.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY CLERK

Thursday, May 23, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 23, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Scenic Properties, Inc. requesting the city to relinquish any interest it may have in approximately 100 square feet at the corner of Battery Park Avenue and Page Avenue in order that a building may be constructed.

This request was referred to the Corporation Counsel for report.

A resolution of the Executive Committee of the Buncombe County Planning Council requesting the Council to implement the neighborhood parks recommendations of the Winans Report and specifically to include in the new budget and succeeding budgets money for land acquisition for said parks was received.

The City Manager advised that this request will be considered at budget time on the recommendation of the Parks and Recreation Department.

Councilman Algary discussed the need for more parks in the city, and advised that several citizens have spoken to him about this.

A letter was received from the Civic Arts Council, Inc. requesting the Council to reconsider any action whereby the site of the Center in the Civic Redevelopment Project Number One might be affected.

This was received as information by the Council.

A letter was received from the Board of County Commissioners that the City Council reassess its position on the approval of sale of parcel number 14 of The Civic Redevelopment Project.

Councilman Crouch stated that he did not favor any change in the action taken by the Council last week, advising that he hated to put the county in a bind, but believed the City should wait until we hear from the expert.

Councilman Sumner said the Redevelopment Commission should have come to the Council in 1965 when the County's application was first approved, and Councilman Morgan stated he would like to see this area considered as one of the sites, and was in favor of both the Civic Arts and the Auditorium complex being on the same site.

The City Manager advised that he had contracted with Hammer, Greene, Siler Associates of Washington, D. C. for evaluation of the various sites, and that said firm has had considerable experience in planning projects in this area.

The Council will request a report at the earliest possible date.

The City Manager advised that, as requested by the Housing Authority, a letter of intent had been prepared establishing a building line 150 feet north of the northeast property corner of the Elderly Housing Project on South French Broad Avenue and proceeding in a westerly direction parallel to the Hilliard Street right-of-way to the western boundary of Aston Park, and if there is no objection by the Council, the City Clerk will mail said letter to the Housing Authority.

The City Manager advised that today is the date set for the public hearing on the group development project and site plan for the Housing for the Elderly on South French Broad Avenue adjacent to Aston Park, and that due advertisement has been made of said public hearing.

Councilman Sumner stated that the people did not want a high rise apartment as proposed.

Following a discussion, Councilman Mulvaney moved that the plan be approved, which motion was seconded by Councilman Crouch and adopted.

The City Manager advised that for business reasons Carl A. Bufflap, Jr. has resigned as a member of the Asheville Transit Authority.

Councilman Morgan moved that the resignation be accepted with regret and that a letter of appreciation be written Mr. Bufflap, which motion was seconded by Councilman Sumner and unanimously adopted.

Councilman Mulvaney then introduced a resolution appointing member of Asheville Transit Authority, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 173.

The City Manager explained the provisions of an agreement with the State Highway Commission regarding projects 8.19030, 8.19048, 8.19068 and 8.19069.

The following resolution was offered by Councilman Crouch, and a motion was made by Councilman Crouch that it be adopted; this motion was seconded by Councilman Morgan and upon being put to a vote was unanimously carried;

WHEREAS, THE Commission and the Municipality, on the 20th day of August, 1964, entered into a Municipal Agreement for the construction and improvement of Projects 8.19030, 8.19048, 8.19068, and 8.19069, Buncombe County, and the Commission and the Municipality do hereby mutually agree to enter into a new agreement which shall supersede that portion of the aforesaid agreement pertaining to Projdcts 8.19068 and 8.19069, Buncombe County, as hereinafter set out; and,

WHEREAS, the State Highway Commission has revised plans it had previously adopted to make certain street and highway improvements within the City of Asheville under Projects 8.19068 and 8.19069, Buncombe County, said revised plans being Projects 8.3023208 and 8.3023203, and said revised plans consisting of the construction and improvement of U. S. Highways 19, 23, 25, and 70, as shown on the plans of Projects 8.19069 (8.3023208) and 8.19069 (8.3023203), Buncombe County; said projects having a right of way width and control of access as shown on the plans of Projects 8.19068 (8.3023208) and 8.19069 (8.3023203), Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said projects are considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, the State Highway Commission and this Municipality have agreed that the corporate limits of this Municipality, as of the date of the awarding of the contract for construction of the above mentioned projects are to be used in determining the duties, responsibilities, rights and legal obligations of each party; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or publicly owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipally owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connections or services which are owned by the Municipality or by others. Except the Commission will, in accordance with Section 307-3.3 of the Standard Specifications for Roads and Structures, have vertical adjustments of two feet or less in the existing manholes, valve boxes and meter boxes encountered within the limits of the projects, made at its own expense, and the Commission will reimburse the Municipality in accordance with the Municipal Osned Utility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(2) Entering into an agreement with the State Highway Commission as to establishing and maintaining traffic operating controls for the regulation of movement of traffic on said projects.

NOW, THEREFORE, BE IT RESOLVED that Projects 8.19068 (8.3023208) and 8.19069 (8.3023203), Buncombe County be and is hereby formally approved by the City Council of the City of Asheville, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This resolution was passed and adopted the 23 day of May, 1968.

Complete copy of resolution will also be found in Resolution Book #3 at page 174

The City Manager advised that an ordinance upgrading building permit fees had been prepared.

Councilman Algary then introduced Ordinance No. 599, being "AN ORDINANCE CODIFYING THE REQUIREMENTS PERTAINING TO BUILDING PERMITS UNDER THE PROVISIONS OF THE N. C. STATE BUILDING CODE, 1967 EDITION AND THE N. C. UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION AND REGULATING BUILDING PERMIT FEES UNDER THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160-200 (29) FOR THE CITY OF ASHEVILLE, NORTH CAROLINA, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted 'aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that an ordinance upgrading permit fees for signs had been prepared.

Councilman Sumner then introduced Ordinance No. 600, being "AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED 'SIGNS'", which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the annual license and privilege tax ordinance had been prepared with the schedule of fees the same as last year.

Councilman Mulvaney then introduced Ordinance No. 601, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed onits first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary discussed the need for a freight terminal at the Asheville Airport, and Councilman Sumner suggested that manufacturers who use the airport be solicited for funds to maintain improvements at the Airport.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY CLERK

Thursday, May 30, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 30, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, Robert P. Crouch, J. W. McRary, T. B. Sumner, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 599, being "AN ORDINANCE CODIFYING THE REQUIREMENTS PERTAINING TO BUILDING PERMITS UNDER THE PROVISIONS OF THE N. C. STATE BUILDING CODE, 1967 EDITION AND THE N. C. UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION AND REGULATING BUILDING PERMIT FEES UNDER THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160-200 (29) FOR THE CITY OF ASHEVILLE, NORTH CAROLINA, was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 600, being "AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "SIGNS", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 601, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969, was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the Charter of the Vanderbilt Apartments, Inc. provided that the City Council appoint members to the Board of Directors, that two vacancies now exist on said Board, and that a resolution has been prepared appointing these members.

Mayor Eller stated that the appointment of the members by the Council would constitute tacit approval of the conversion of the old Vanderbilt Hotel into an apartment building for senior citizens, and that he didn't approve of said conversion.

Also speaking in opposition were Councilman Algary, who stated the money appropriated could be used to better advantage, and Councilman Sumner, who stated he didn't think the apartments would be used.

The City Manager suggested that action on the resolution be postponed until the next meeting of the Council, and that a resolution be drawn setting forth the sentiments of the Council toward the proposed apartment project.

The City Manager explained the provisions of an agreement with the State Highway Commission regarding Project W. O. 9.7130208.

The following resolution was offered by Councilman Morgan and a motion was made by Councilman Morgan that it be adopted; this motion was seconded by Councilman Mulvaney, and upon being put to a vote, was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within the City of Asheville consisting of the construction and improvement of U. S. Highway 19 and 23, as shown on the plans of Project W. O. 9.7130208, Buncombe County; said project having a right of way width of 150 feet mdasured 75 feet on each side of the survey center line, as shown on the plans of Project W. O. 9.7130208, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, the State Highway Commission and this Municipality have agreed that the corporate limits of this Municipality, as of the date of the awarding of the contract for construction of the above mentioned project are to be used in determining the duties, responsibilities, rights and legal obligations of each party; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or publicly owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipally owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connections or services which are owned by the Municipality or by others. Except the Commission will, in accordance with Xection 307-3.3 of the Standard Specifications for Roads and Structures, have vertical adjustments of two feet or less in the existing manholes, valve boxes and meter boxes encountered within the limits of the project, made at its own expense, and the Commission will reimburse the Municipality in accordance with the Municipal Owned Utility Policy of the Commission contained in the official minutes of the July 2, 1964 meeting of the Commission, which policy is incorporated herein by reference.

(2) Entering into an agreement with the State Highway Commission as to establishing and maintaining traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project W. O. 9.7130208, Buncombe County, be and it is hereby formally

approved by the City Council of the City of Asheville, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

This resolution was passed and adopted the 30 day of May, 1968.

There being no further business, the meeting was upon motion adjourned.

Margaret Lunsford
CITY CLERK

Thursday, June 6, 1968 - 4:00 o'clock P. M.

A regular meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., June 6, 1968, with the following members present:

Mayor E. W. Eller presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Robert P. Crouch, T. B. Sumner, and C. E. Morgan.

Absent: None

A petition signed by several property owners was received requesting the closing of a portion of Georgia Avenue and a portion of New York Avenue.

The City Manager advised that it would be necessary to have a metes and bounds description of the portions to be closed in order that a resolution setting a date of a public hearing might be prepared. The matter was referred to the City Manager for preparation of resolution.

Ordinance No. 599, being "AN ORDINANCE CODIFYING THE REQUIREMENTS PERTAINING TO BUILDING PERMITS UNDER THE PROVISIONS OF THE N. C. STATE BUILDING CODE, 1967 EDITION AND THE N. C. UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION AND REGULATING BUILDING PERMIT FEES UNDER THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160-200 (29) FOR THE CITY OF ASHEVILLE, NORTH CAROLINA, was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 599

AN ORDINANCE CODIFYING THE REQUIREMENTS PERTAINING TO BUILDING PERMITS UNDER THE PROVISIONS OF THE N. C. STATE BUILDING CODE, 1967 EDITION AND THE N. C. UNIFORM RESIDENTIAL BUILDING CODE,1968 EDITION AND REGULATING BUILDING PERMIT FEES UNDER THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 160-200 (29) FOR THE CITY OF ASHEVILLE, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. BUILDING PERMIT REQUIRED.

No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building or other structure, or any part thereof, without a written permit therefor from the Building Inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed $100 and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. Buncombe County Health Department approval of property for septic tank required where sewage system cannot be connected to city sewer.

In all cases of removal or demolition of a building or structure the Chief of Building Inspections may require a good and sufficient bond in an amount to be determined by him to be posted by the property owner or by his contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove, and clear the premises, after thirty (30) days' notice by the Building Inspector, shall be cause for forfeiture of such bond.

Section 2. APPLICATION FOR PERMIT.

Written application shall be made for all permits required by this ordinance, and shall be made on forms provided by the Inspection Department. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative, and, in addition to such other information as may be required by the appropriate Inspector to enable him to determine whether the permit applied for should be issued, shall show the following:

(a) Name, residence, and business address of owner:

(b) Name, residence, and business of authorized representative or agent, if any;

(c) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

Section 3. PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for permit when the estimated total cost of

the building or structure is in excess of $20,000 and for any other building or structure where plans and specifications are deemed necessary by the appropriate Inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this ordinance and the appropriate regulatory codes. Where plans and specifications are required, a copy of same shall be kept at the work until all authorized operations have been completed and approved by the appropriate Inspector.

Section 4. LIMITATIONS ON ISSUANCE OF PERMITS.

(a) No building permit shall be issued for any building or structure the estimated total cost of which is more than $20,000 unless the work is to be performed by a licensed general contractor.

(b) No building permit shall be issued for any building or structure, other than a one or two family dwelling, the estimated total cost of which is more than $20,000 unless the plans bear the North Carolina seal of a registered architect or a registered engineer.

(c) Where any provision of the General Statutes of North Carolina or of zny ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.

(d) Where detailed plans and specifications are required under this ordinance, no building permit shall be issued unless such plans and specifications have been provided.

Section 5. ISSUANCE OF PERMITS.

When proper application for a permit has been made, and the appropriate Inspector is satisfied that the application and the proposed work comply with the provisions of this ordinance and the appropriate regulatory codes, he shall issue such permit upon payment of the proper fee or fees as hereinafter provided in Section 9.

Section 6. REVOCATION OF PERMITS.

The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reasons for such revocation. Permits shall be revoked for any material departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the Inspector; for refusal or failure to comply with requirements of this ordinance and the appropriate regulatory code or for false statements or misrepresentations made in securing such permit.

Section 7. TIME LIMITATIONS ON VALIDITY OF PERMITS.

All permits issued under this ordinance shall expire by limitation six (6) months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

Section 8. CHANGES IN WORK.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this ordinance or of any regulatory code adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate Inspector.

Section 9. PERMIT FEES.

Fees for permits shall be based upon the total estimated cost of the proposed work, including all sub-contracts, if any, (excluding electrical and plumbing permit fees) but in no case shall the total estimated cost be less than the market value of similar completed work in the City of Asheville, as determined by the Chief of Building Inspections. Permit fees shall be as follows:

(a) Inspection fees for the construction, reconstruction, alteration or repair of buildings (including re-roofing, residing, carports and awnings):

COST OF WORK IN DOLLARS	BUILDING PERMIT FEE
0.00 thru $100.00	No charge
100.01 thru 200.00	$ 4.00
200.01 thru 400.00	6.00
400.01 thru 600.00	8.00
600.01 thru 800.00	10.00
800.01 thru 1,000.00	12 00
1,000.01 thru 25,000.00	12.00 plus $2.00 per Thousand or fractional part thereof above $1,000.00 up to and including $25,000.00
25,000 01 thru 50,000.00	60.00 plus $1.75 per thousand or fractional part thereof above $25,000.00 up to and including $50,000.00
50,000 01 thru 100,000 00	103.75 plus $1.50 per thousand or fractional part thereof above $50,000.00 up to and including $100,000 00
Above $100,000 00	$178.75 plus $1.00 per thousand or fractional part thereof above $100,000.00

(b) Inspection fees for the removal of buildings:

(1) Removal along or across a city street or sidewalk $50.00

(2) Removal not over a city street or sidewalk . . . . $ 5.00

(c) Inspection fees for the demolition of buildings:

Demolish a building . . . . . $ 5.00

Section 10. That this ordinance shall be in full force and effect fifteen days after date of publication.

Section 11. That all ordinances and clauses or ordinances in conflict herewith be and the same are hereby repealed.

I move the adoption of the foregoing ordinance, this 23 day of May, 1968.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 6 day of June, 1968, to become effective the 21 day of June, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 600, being "AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "SIGNS", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 600

AN ORDINANCE AMENDING CHAPTER 24, SECTION 24-7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, ENTITLED "SIGNS"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 24-7 Permit to erect or alter - Fee is hereby repealed, and in lieu thereof the following is adopted:

Section 24-7 PERMIT to erect or alter - Fee

The fee for a permit required by Section 24-4 shall be based upon the total estimated cost of the proposed work, including all sub-contracts if any (excluding electrical permit fees), but in no case shall the total estimated cost be less than the market value of similar completed work in the City of Asheville as determined by the Chief of Building Inspections. Said fee shall be paid prior to issuance of the permit. Permit fees shall be as follows:

COST OF WORK IN DOLLARS	PERMIT FEE
0.00 thru 100.00	NO CHARGE
100.01 thru 200.00	$ 4.00
200.01 thru 400.00	6.00
400.01 thru 600.00	8.00
600.01 thru 800.00	10.00
800.01 thru 1,000.00	12.00
Above $1,000.00	12.00 plus $2.00 per thousand or fractional part thereof above $1,000.00

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 23 day of May, 1968.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 6 day of June, 1968, to become effective 21 day of June, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 601, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 601

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municiial purposes, the following license taxes hereinafter specified are hereby levidd for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, or selling, or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1968, to the thirtieth day of June, 1969, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by August 1, 1968, 5% per month, retroactive to July 1st, of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person, interested in or connected with such business, to give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists. (Prohibited.)
10. Lunch counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers	$ 1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	1,000.00
7. House movers	500.00
8. Taxicabs	500.00

Section 5.

That whenever the word "person", is used in this ordinance, the same shall be construed to include "firms", "companies", "Corporatiokns", and "associations."

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after July 1, 1968 and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after January 1, 1969, the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or to be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50;00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1968-1969, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for eachoffense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated, the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 495 entitled "AN ORDINANCE, LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 and ENDING JUNE 30, 1965, as recorded in City of Asheville Docket 34 of the Minutes of the Proceedings of the Council at pages 451 through 582, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City of Asheville, at pages 299 through 340, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein, together with all emendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective July 1, 1968.

I move the adoption of the foregoing ordinance, this the 23 day of May, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted by the C uncil on first reading, 23 day of May, 1968, with all members of the C uncil present voting "aye"; read, approved and adopted by the Council on second reading 30 day of May, 1968, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 6 day of June, 1968, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of July, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that, after conferring with the Local Government Commission and bond attorneys, $700,000 Redevelopment Bond Anticipation Notes and resolution authorizing same had been prepared for the funding of the East Riverside Urban Renewal Project present demands.

Councilman Algary introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,400,000 Redevelopment Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an elec duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that no notes have been issued in anticipation of the receipt of the proceeds of said bonds.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds the issuance of $700,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Redevelopment Bond Anticipation Notes , shall be dated June 20, 1968, shall mature on December 20, 1968, without option of prior payment, shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, not exceeding 6% per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the princip and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes, and said notes shall have endorsed thereon the written approval of the City Attorney, and the form of said notes and the endorsement to be placed upon the reverse of each note shall be substantia as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Redevelopment Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 20th day of December, 1968, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at the _____, in _____, _____, in any coin or currency of the United States of America which, at the time of payment is legal tender for the paym of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Redevelopment Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 20th day of June, 1968.

Mayor

City Clerk

The issuance of this note is hereby approved.

City Attorney

(to be endorsed upon the reverse of notes)

Local Government
Commission Serial No. ....

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By: _____
Designated Assistant

Section 4. The action of the City Manager in applying to the Local Government Commission to approve, advertise and sell said $700,000 Redevelopment Bond Anticipation Notes, and the action of the Local Government Commission in asking for sealed bids for said notes by publishing a sale notice and printing and distributing circulars be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action shall take effect immediately.

_____
Mayor

Approved as to form:

_____
City Clerk

_____
Corporation Counsel

Thereupon Councilman Algary moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" and Councilman Mulvaney seconded the motion and the resolution was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan and Mayor Eller.

Nays: None

Thereupon the resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporate Counsel endorsed upon said resolution his approval of the form thereof.
Complete copy of resolution will also be found in Resolution Book 5 at pages 176, 177.

The City Manager again called attention to the Charter requirement of Vanderbilt Apartments that certain directors be appointed by the City Council.

Councilman Morgan then introduced a resolution appointing Directors of Vanderbilt Apartments, Inc., which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.
Complete copy of resolution will also be found in Resolution Book 5 atpage 178.

The City Manager advised that, in order to meet certain requirements of the Department of Housing and Urban Development, the Asheville Inter-Church Housing Association has requested a commitment on the part of the City of Asheville to the improvement and widening of Carroll Avenue, in order to secure federal aid for a housing project in the vicinity of Carroll Avenue and Ardmion Park Drive.

Councilman Mulvaney then introduced a resolution committing the City of Asheville to the improvement and widening of Carroll Avenue to assist the Asheville Inter-Church Housing Association in securing federal aid for a housing project in the vicinity of Carroll Avenue and Ardmion Park Drive, which was unanimously adopted.

Complete copy of resolution will also be found in Resolution Book 5 at page 179

DAT

The City Manager advised that, as requested, a resolution had been prepared setting a date for a public hearing on the petition to close a triangular piece of property on the northeast corner of Battery Park and Page Avenues, and the Corporation Counsel advised that this piece of property was dedicated to public use by the E. W. Grove Estate, and arrangements are being made to get title from the E. W. Grove Estate.

Councilman Crouch then introduced resolution providing for a public hearing on petition to close a triangular piece of property on the northeast corner of Battery Park and Page Avenues, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will also be found in Resolution Book 5 at page 180.

The City Manager advised that today is the date set for the public hearing on the requested closing of a portion of Pine Grove Avenue, a portion of Black Street, a portion of Oakland Avenue and a portion of Silico Street, that due advertisement had been published of said public hearing, and that the closing had been recommended by the Planning and Zoning Commission.

Mr. Bertram King, by means of a map, explained the proposed closing to the Council.

Councilman Sumner then introduced resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Pine Grove Avenue, a portion of Black Street, a portion of Oakland Avenue and a portion of Silico Street, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 181.

Sergeant Costello introduced members of the West Asheville Troop 151 Cadet Girl Scouts, who were welcomed by the Council

There being no further business, the meeting was upon motion adjourned.

E W Ellers
MAYOR

Margaret Sumner
CITY CLERK

Thursday, June 13, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 13, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Robert P. Crouch, F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending approval of a site plan for a group development off Howland Road being developed by Rondesics Inc. for Investment Properties of Asheville.

The City Manager advised that it is necessary to hold a public hearing, after due advertisement.

Councilman Morgan moved that the City Clerk be authorized to give notice of a public hearing to be held on the above site plan, which motion was seconded by Councilman Algary and unanimously adopted.

June 13, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission, at its meeting on June 12, 1968, reviewed the attached plan of a group development project off Howland Road. The plan, dated June 11, 1968, callsfor three new single-family units and one duplex and is being developed by Rondesics, Inc. for Investment Properties of Asheville.

The Planning and Zoning Commission noted that the site plan met the city's requirements and that the addition of these units would complete the project. It is recommended to City Council for their approval.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews,
Executive Director

DYM/ar
Enclosure

A letter was received from the Planning and Zoning Commission recommending the rezoning of the Sky Club property from RA-5 Residential District to Neighborhood Trading Area provided that any plan for the development of this property comply with the Group Development provisions of the Asheville Zoning Ordinance.

June 13, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission, at a meeting on June 12, 1968 took the following action on Mrs. Emma Adler's request:

It was moved, seconded, and unanimously passed that the Commission recommend that the property be rezoned from RA-5 Residential District to Neighborhood Trading Area provided that any plan for the development of this property comply with the Group Development provisions of the Asheville Zoning Ordinance.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR/nr

A letter was received from the Planning and Zoning Commission recommending that Lots 14 and 15, Sheet 18, Ward 7 remain as now zoned, but that Lots 16, 17, and 17-1/4, Sheet 18, Ward 7, and Lots 71, 72, 73, 73-1/2, 74, 74-1/4, 158, 159, and 160, Sheet 5, Ward 7 be rezoned from Neighborhood Trading Area to RA-5 Residential District.

June 13, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission, at a meeting on June 12, 1968 took the following action on the request of Mr. Hall J. Hensley:

It was moved, seconded and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

The Commission also voted unanimously to recommend that the following described property be rezoned from Neighborhood Trading Area to RA-5 Residential District:

Lots 16, 17, and 17-1/4, Sheet 18, Ward 7, and Lots 71, 72, 73, 73-1/2, 74, 74-1/4, 158, 159, and 160, Sheet 5, Ward 7.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr

The recommendation regarding Lots 14 and 15, Sheet 18, Ward 7 was received as information, but upon motion of Councilman Morgan, seconded by Councilman Mulvaney, the other recommendations of the Planning and Zoning Commission were accepted, and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with said recommendations would be presented.

A letter was received from Earl J. Fowler on behalf of Rex Smathers, Jr. requesting the rezoning of Lots 67 through 70, Sheet 13, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the West Asheville Business Association requesting assistance in consulting with the proper authority to determine what action can be instituted to either reinforce the old West Asheville Bridge, or if this is not feasible, to replace the bridge with a new bridge.

The City Manager advised that this bridge was the responsibility of the State of North Carolina, and, after discussion, the City Clerk was requested to inquire of the State of North Carolina as to what its plans are in regard to this bridge.

The City Manager advised that under the terms of the agreement with Carolina Power & Light Company for use of property at Lake Julian Mrs. C. M. Swicegood had applied for a lease of her lake frontage.

Councilman Morgan then introduced a resolution authorizing City Manager to enter into lease agreemwnt with owner of property fronting on Lake owned by Carolina Power & Light Company at its Steam Generating Plant, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 182.
Copy of lease will be found attached to original resolution.

The City Manager stated that the city had been advised that possibly a contribution could be had from the Appalachian Regional Commission to assist the Asheville Transit Authority, and that a resolution authorizing the Mayor to apply for such funds had been prepared.

Councilman Mulvaney then introduced resolution applying on behalf of Asheville Transit Authority to Appalachian Regional Commission for funds and authorizing the Mayor to sign the necessary application, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 183.

The City Clerk read a resolution locating the Auditorium-Convention Community Facility in downtown Asheville on or near the Rankin Avenue site, and directing administrative action.

Councilman Crouch then inquired if after facts are developed it is determined that this site is not feasible, where does the Council stand.

The City Manager advised that if the resolution is acted upon by the Council and the site is designated, he will develop all the facts and present them to the Council; that he knows nothing about what facts have been developed; that under the terms of the resolution he would enter into no contracts for any services other than the professional assistance he may need in developing facts on the downtown site, and that it will take some seven or eight weeks to develop all the facts, and when they are presented to the Council it will be up to the Council to make the final decision; further advising that it is his feeling that the facility can be located in downtown Asheville under the Hammer report, and that the city can overcome the problems relating to traffic and parking.

Following the discussion a resolution locating Auditorium-Convention-Community Facility in downtown Asheville on or near the Rankin Avenue site, and directing administrative action, was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 184.

Mr. George Coggins discussed the Hammer report and the funds available under the bond election, advising that he is planning a $25,000,000 expansion of Westgate Shopping Center, and stated that he would donate space there for the coliseum, library, Civic Arts Center, as well as other facilities at no cost to the city, said facilities to be located on top of a parking deck he proposes to build to accommodate 4,000 cars.

The City Manager stated there would be many legal problems involved in such a proposal.

The City Manager again called the Council's attention to the request of the Redevelopment Commission that the Council approve the sale of property in Civic Redevelopment Project R-13 to Buncombe County for location of a health and welfare facility.

Councilman Crouch stated that if this sale is approved it will mean that the #2 site set out in the Hammer report would be lost insofar as locating the auditorium facility is concerned, and that he cannot vote for this; that it is his opinion action on this request should be postponed until all the facts are developed on the downtown site.

The City Manager felt that the problems relating to the downtown site could be overcome, and that the buildings to be erected by the County of Buncombe would be of benefit to Asheville and all of Western North Carolina.

Councilman Sumner moved that the sale as recommended by the Redevelopment Commission be confirmed, which motion was seconded by Councilman Mulvaney.

Following the discussion a vote was taken on the motion and it carried, with Councilman Crouch casting a dissenting vote.

The City Manager reported that the $700,000 bond anticipation notes for the East Riverside Urban Renewal Project had been sold at an average interest rate of 3.95%, and that the notes would be forwarded to the Local Government Commission.

The City Manager presented the statement showing the budget position of the city for the period ending May 31, 1968.

The City Manager presented the Annual Report of the Civil Service Board.

Mr. Leonard, representing the Montford-Richmond Community Club requested the Council to give consideration to improving the method of collecting trash in the City of Asheville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 20, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 20, 1968, at 4:00 o'clock P. M. With Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition requesting the portion of Wilmington Street extending from Vandalia Avenue for some 200 feet to the newly developed Southwick Street be closed was received.

This request was referred to the City Manager for preparation of metes and bounds description and resolution setting date of public hearing upon motion of Councilman Crouch, seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that the terms of office of the members of the Board of Adjustment under Ordinance #322 had expired.

Councilman Morgan then introduced a resolution appointing members of the Board of Adjustment under Ordinance #322, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 185

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1968-69, as prepared by the City Manager, advising that departmental requests exceed estimated income, and the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time is publication of a Notice of Presentation of Budget Estimate, and suggested that the Council adopt a procedure to consider the budget in detail.

Councilman Crouch moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, which motion was seconded by Councilman Algary, who observed that growth and tax rate could take care of any shortage, and that efforts were needed in a more realistic way to get growth in the community.

The City Manager pointed out that the wage and salary schedule, which was recommended by the continuing Wage and Review Board last year, is the same, and that no consideration has been given to any increases.

Councilman Crouch suggested that the Wage and Review Board be requested to review the salary scale before a meeting is held on the budget and included this in his original motion.

Councilman Algary then suggested that a public hearing be held on the budget, and this suggestion was also included in the original motion.

Following the discussion, said motion as amended was unanimously adopted.

Mayor Eller suggested that the Council review the budget on July 18th.

Councilman Sumner suggested that the public hearing be held at one of the three readings in the budget.

The City Manager suggested that July 23rd at 7:30 p. m. be set as the date for the public hearing on the budget, and this was agreeable with the Council.

Miss McCoy spoke against the addition of fluoride to the public water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 27, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 27, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, C. E. Morgan, W. F. Algary, City Manager Weldon Weir and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A petition signed by a number of property owners and citizens requesting the City Council to reduce the speed limit on Virginia Avenue was received.

This petition was referred to the Department of Public Safety for investigation and report.

A request was received from Service Distributing Co. that two lots adjoining Reed Street and West Chapel Road be rezoned to Business.

This request was referred to the Planning and Zoning Commission for study and recommendation

The City Manager advised that as requested resolution had been prepared setting date of a public hearing on the

request to close a portion of Georgia Avenue and a portion of New York Avenue.

Councilman Crouch then introduced a resolution providing for a public hearing on petition to close a portion of Georgia Avenue and a portion of New York Avenue, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 5 at page 186

The City Manager advised that as requested a resolution had been prepared setting date of public hearing to close a portion of Wilmington Street.

Councilman Sumner then introduced a resolution providing for a public hearing on petition to close a portion of Wilmington Street, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 187.

Councilman Morgan introduced Ordinance No. 602, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 602, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 602, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 602

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1968 to the date of the adoption of the 1968-69 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1967-68 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1968-69 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1968-69 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 27th day of June, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 27 day of June, 1968, to become effective 27th day of June, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Margaret Simmons
CITY CLERK

Robertson Wall
CORPORATION COUNSEL

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 4, 1968 - 4:00 o'clock P. M.

Due to the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 11, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 11, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 67 through 70, Sheet 13, Ward 6, as requested by Rex Smathers, Jr.

July 11, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held July 3, 1968, the following action was taken on the request of Attorney Earl Fowler for Rex Smathers, Jr.:

It was moved, seconded, and unanimously passed that the Commission recommend that this request be denied and the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR/nr

This was accepted as information by the Council.

A letter was received from D. B. Moore advising of his resignation as a member of the Housing Authority of the City of Asheville.

Mayor Eller stated that this resignation was received with regret.

Mayor Eller announced the appointment of W. M. Morgan to succeed D. B. Moore as a member of the Housing Authority of the City of Asheville.

A letter was received from Miss Fannie McCoy requesting that the city attorney prepare a written petition allowing the registered voters of the city to again vote on the question of fluoridation.

The City Manager called attention to the last election held on this question on September 12, 1967 in which the proposal was defeated by 3116 votes, and suggested that the Clerk be authorized to advise Miss McCoy of the number of signatures required on a petition to call an election, but that the matter of drafting the petition should be a matter for the petitioners.

The City Manager read a report of the facts developed regarding the proposed auditorium - convention center in which the facility would be located next to the present City Auditorium, and Mr. Jack Baber of the architectural firm of Baber and Wood explained the floor plan and model of the facility. The City Manager advised that if this plan is approved by the Council the acquiring of the necessary property can be started, architectural plans can be drawn, and construction contracts let by March of next year, with the completion date of the building in the fall of 1970.

Following a discussion, Councilman Sumner introduced a resolution re acquiring property, execution of architectural contract and development of off-street parking relating to Auditorium-Convention Center, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 188.

The City Manager advised that today is the date set for the public hearing on the site plan for the group development project off Howland Road being developed by Rondesics, Inc. for Investment Properties of Asheville, and that due advertisement had been made of said public hearing.

The resident at 24 Howland Road opposed the approval of said plan.

Following a discussion Councilman Sumner moved the hearing be continued until two weeks from today, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager advised that today is the date set for a public hearing on the proposed closing and disclaiming any public interest in a triangular piece of property on the northeast corner of Battery Park and Page Avenues, and that due publication had been made of said public hearing.

There being no objection, Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a triangular piece of property on the northeast corner of Battery Park and Page Avenues, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 189.

The City Manager advised that today is the date set for a public hearing on the proposed rezoning of the Sky Club property and certain lots off London Road in Biltmore, and that due advertisement had been made of said public hearing.

There being no objection, Councilman Algary introduced Ordinance No. 603, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager explained the provisions of a supplemental agreement with the State Highway Commission regarding projects 8.19030 and 8.19048.

The following resolution was offered by Councilman Mulvaney, and a motion was made by Councilman Mulvaney that it be adopted; this motion was seconded by Councilman Sumner, and upon being put to a vote was unanimously carried;

WHEREAS, the Commission and the Municipality, on the 20th day of August 1964, entered into a Municipal Agreement for the construction of Projects 8.19030, 8.19048, 8.19068 and 8.19069; and,

WHEREAS, in paragraph numbered 2 (A) and (B) of said agreement , it was agreed between the parties that the Commission would acquire the right of way on said projects; subject, however, to be reimbursed for the right of way cost for the projects by the Municipality to the extent of twenty (20) percent on Project 8.19030, twenty-five (25) percent on Project 8.19048, and fifty (50) percent on Projects 8.19068 and 8.19069, said reimbursement to be mace for these projects in annual installments of one hundred ten thousand dollars ($110,000.00) to the Commission until such time as the Municipality's total obligation is satisfied with the first installment being due November 1, 1964, and a like sum of one hundred ten thousand dollars ($110,000.00) due on November 1 each succeeding year thereafter until the total obligation is satisfied; and,

WHEREAS, on the 23rd day of May, 1968, the Commission and the Municipality entered into an agreement to supersede that portion of the agreement entered on the 20th day of August, 1964, pertaining to Projects 8.19068 (8.3023208)and 8.19069 (8.3023203); and,

WHEREAS, in the agreement between the parties on the 23rd day of May, 1968, it was agreed that the Commission shall acquire the necessary right of way for Project 8.19068 (8.3023208) and 8.19069 (8.3023203) at no expense whatsoever to the Municipality; and,

WHEREAS, the Municipality has requested a deferrment of its November 1, 1967, payment of one hundred ten thousand dollars ($110,000.00 due on Projects 8.19030 and 8.19048, and that the Municipality's payment period be extended one year on Projects 8.19030 and 8.19048; and.

WHEREAS, as a result of the Municipality's request for deferrment of its November 1, 1967, payment, and that the Municipality's payment period be extended one year, paragraph 2 (B) of the agreement dated the 20th day of August, 1964, has been amended to state same; and,

WHEREAS, except as hereinabove provided, the Municipal Agreement heretofore executed by the Municipality and the Commission on the 20th day of August 1964,for Projects 8.19030 and 8.19048, Buncombe County, is ratified and affirmed as therein provided.

NOW, THEREFORE, BE IT RESOLVED that this Supplemental Agreement for Projects 8.19030 and 8.19048, Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Supplemental Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 11 day of July, 1968.

Complete copy of resolution will also be found in Resolution Book #5 at page 190.

The City Manager advised that the term of John Q. Schell, Jr. as a member of the Recreation Board for Asheville expired on July 1st and that Mr. Schell had requested that he not be considered for reappointment.

Councilman Algary then introduced resolution appointing member of Recreation Board for Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 191.

A request was received to erect a Shell sign sixty feet above ground near the Crosstown Expressway at the Charlotte Street intersection, and the City Manager advised that Council approval was necessary

Councilman McRary moved that the request be granted, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from George Coggins, President of Westgate Corporation, renewing his offer of a cost-free site for the new civic buildings on property owned partly by the City of Asheville and partly by Westgate Corporation.

There being no further business, the meeting was upon motion adjourned

MAYOR

CITY CLERK

Thursday, July 18, 1968 - 4:00 9'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, July 25, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 25, 1968, at 4:00 o'cloc. P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. R. Sumner, W. F. Algary, C. E. Morgan, T. M. Mulvaney, City Manager Wallace Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A request was received from the Housing Authority of the City of Asheville requesting that part of South Depot Street and a portion of Oakland Avenue be closed and abandoned as a public thoroughfare.

An offer to purchase a small triangle lying at the northwestern corner of Walton Park, and a portion of South Depot Street for $1,166.00 was received from the Housing Authority of the City of Asheville.

A request was received from Richard L. Coleman, agent for L. O. Huckaby, that Lots 1 3;4 and 391, Sheet 28, Beaverdam Ward be rezoned.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 603, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the continued hearing on the site plan for the group

development project on Howland Road being developed by Rondosics, Inc., which site plan has been approved by the Planning and Zoning Commission.

Mr. Gary Cloder, attorney for several residents in the area, spoke in opposition to the approval of said site plan and requested that it be referred back to the Planning and Zoning Commission for more detailed study.

The Mayor asked if there was new evidence to be presented to the Planning and Zoning Commission.

Also speaking in opposition to the approval of said site plan were Mr. Powell, Don Bernstein, and T. W. [illegible], Jr., all of who brought out the fact that Howland Road is very narrow.

The City Manager advised that the widening of said street can be considered at any time upon petition of residents to the area.

Upon motion of Councilman Algary, seconded by Councilman [illegible], and unanimously adopted.

The City Manager explained the various resolutions involved in the closing of a portion of South Depot Street and relocation, same, and the closing of a portion of Oakland Avenue.

Councilman Sumner then introduced a resolution to authorize execution and delivery of deed of conveyance to Housing Authority of the City of Asheville, a North Carolina Municipal Corporation, for Tax Lots Nos. 58, 66, 67 and 68, Sheet 15, Ward 1, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Copy of resolution will be found in Resolution Book 5 at page 192.

Councilman Algary introduced a resolution to authorize the execution and delivery of a deed to Housing Authority of the City of Asheville for a small triangle at the Northwest corner of Walton Park on S. Depot Street and Oakland Avenue and for the interest of City of Asheville in the closed portions of said streets, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 193.

Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of S. Depot Street and a portion of Oakland Avenue at request of Housing Authority of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 194.

Councilman Morgan introduced a resolution authorizing the execution of an Amendatory Cooperation Agreement between the City of Asheville and Housing Authority of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 195.

The City Manager advised that certain property on Riverside Drive was sold at public sale to O. C. Maney in [illegible], and that because of certain discrepancies in the description Mr. Maney had requested another deed to said property.

Councilman Mulvaney then introduced a resolution authorizing deed of correction to O. C. Maney and wife, Nellie Jo Clark Maney, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 196.

The City Manager explained a resolution authorizing filing of an application for a grant to acquire certain land in Redevelopment Project N. C. R-13 to be used for the development of open space land.

Councilman Algary then introduced resolution of the City of Asheville authorizing filing of an application for a grant to acquire and develop open space land, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 197.

Ordinance No. 604, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69" was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a formal agreement has been entered into with Baber & Wood to furnish the architectural services to design the new "City Center", and that it is anticipated that it will require $1,000,000 of the approved $4,000,000 for this project during the first six months beginning November 1, 1968.

The City Manager suggested that his office be authorized to work out a financial schedule with the Local Government Commission to fund this project by selling bond anticipation notes in Mid-October, and in April, 1969 sell the total approved bonds in order to pay off the bond anticipation notes and carry the project to completion, advising that idle funds can be invested in short term certificates of deposit.

Councilman Algary suggested that bond service not go into effect until 1970, and the City Manager advised he would discuss this point with the Local Government Commission.

Councilman Sumner then moved that the City Manager be authorized to proceed to present the matter to the Local Government Commission as outlined above, which motion was seconded by Councilman Morgan and unanimously adopted

Mayor Eller reminded the Council that City Manager Weldon Weir had submitted his formal resignation to the City Council effective August 31, 1968, but that at the request of the Council he had agreed to continue to serve until a replacement had been selected, and now that the Council has agreed upon the appointment of a new City Manager a motion is in order to accept City Manager Weir's resignation effective as of the close of the business day on September 3, 1968, and appoint Phin. Horton City Manager of the City of Asheville as of September 4, 1968, at an annual salary of $20,000.00, and that the City Clerk be delegated to administer the oath of office on that date.

Councilman McRary so moved, which motion was seconded by Councilman Sumner and unanimously adopted, the Mayor advising that although Councilman Crouch is not present at this meeting he is in full accord with this procedure.

Councilman Mulvaney inquired about the progress being made with the Community Antenna Television, and was advised by the City Manager that Mr. Thoms stated to him that certain fees have been collected and that a report will be available at an early date.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 1, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 1, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Avon Investment Associates joining in the request for the rezoning of portions of Lots 7 and 56, Sheet 22, Ward 9.

This letter was forwarded to the Planning and Zoning Commission.

A letter was received from the Planning and Zoning Commission recommending approval of a plat entitled "Town and Country Estates".

August 1, 1968

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Town and Country Estates" prepared by Carter and Bearden, Engineers, and dated February 20, 1968, shows the subdivision of land in New Bridge just off the new Highway 19-23.

The above plat was reviewed by the Planning and Zoning Commission at its regular meet-

held November 1, 1967, and was given preliminary approval.

It is recommended that this plat be given your final approval.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM:nr
Enclosure

Councilman Morgan moved that said plat be approved in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

Ordinance No. 603, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 603

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That Lots 16, 17, and 17-1/4, Sheet 18, Ward 7, and Lots 71, 72, 73, 73-1/2, 74, 74-1/4, 158, 159 and 160, Sheet 5, Ward 7 be rezoned from Neighborhood Trading Area to RA-5 RESIDENTIAL DISTRICT

(b) That Lot [illegible], Sheet 7, Ward [illegible] be rezoned from RA-5 [illegible] to NEIGHBORHOOD TRADING AREA, provided that any plan for the development of this property comply with the Group Development Provisions of the Asheville [illegible]

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore directed in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences,

[illegible] ordinances in conflict herewith be and are hereby repealed.

[illegible] the foregoing ordinance, this 11 day of July, 1968.

W. F. Algary
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

[illegible], 1968, to become effective 16 day of August, 1968.

E. W. Eller
MAYOR

APPROVED AS TO [illegible]

[illegible]

Margaret Simmons
CITY CLERK

[illegible] the budget ordinance Miss Mary Long and John Childs reminded the Council that the Council had been in favor of construction of a library in connection with the fire department in the Oakley section, and were disappointed to learn that the books and equipment had been cut from the budget.

The City Manager advised that the project had not been abandoned, but only postponed for six months in order to avoid an increase in taxes.

Following the discussion, Ordinance No. 604, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69," was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager announced that today is the date set for the public hearing on the requested closing of a portion of Wilmington Street, and that due advertisement had been made of said public hearing.

Mr. Herbert L. Hyde, representing the petitioners, spoke in favor of the closing of said portion of the street.

Mr. William C. Frue, attorney representing the Dr. T. C. Smith Company and W. R. Bennett, spoke against the closing of said portion, advising that the Company had offered to pay for half of the expense of the paving of said portion of said street.

Following a discussion, Councilman Sumner moved that the matter be referred to the City Manager to see if this problem can be worked out, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the requested closing of a portion of Georgia and New York Avenues, and that due advertisement had been made of said public hearing.

Mr. Carl Loftin, attorney for Mrs. J. D. Weaver, owner of most of the lots on the unopened streets, opposed the closing.

The City Manager suggested that action be postponed for one week on this hearing, in order to give the attorney more time.

The City Manager explained the provisions of a resolution authorizing filing of an Amendatory Application for Loan and Grant by the Redevelopment Commission of the City of Asheville regarding the location of the Auditorium-Coliseum project.

Councilman Algary then introduced a resolution authorizing filing of amendatory application for loan and grant, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 198.
Copy of Agreement will be found attached to original resolution

The City Manager advised that negotiations had been entered into with a property owner on Grove Street to establish an off-street parking lot which would park 105 cars.

Councilman McRary then introduced a resolution authorizing Mayor to execute lease with Frances Garrison Rust for operating off-street parking facility by city, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 199.
Copy of lease will be found attached to original resolution.

The City Manager advised that the City had entered into options with the State Highway Commission several months ago for the conveyance of certain property for the Appalachian Road leading north from Smoky Park Bridge, and that the State Highway Commission has now requested deed for said property.

Councilman Morgan then introduced a resolution authorizing Mayor to sign deed conveying property purchased by the State of North Carolina for certain highway rights of way, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 200.
Copy of deed will be found attached to original resolution.

The City Manager advised that because of the many problems involved in connection with the construction of the new City Center he had taken the liberty of appointing an Advisory Committee to the City Manager as follows: W. F. Algary, J. O. Buchanan, Paul Goodman, Ralph James, B. B. Lewis, Loren Packer, Bob Terrell, and that the first meeting of the committee would take place next week.

Councilman Sumner moved that the action of the City Manager be approved, which motion was seconded by Councilman McRary and unanimously adopted.

PETITION RE DUMPING [illegible]

[illegible] CREEK ROAD

A petition signed by many residents in the area was presented requesting the City Council to stop the dumping of trash on a lot between Baker Drive and North Bear Creek Road.

The City Manager advised that this petition had previously been submitted to the Public Safety Department, and that action had been taken by said Department to cause the cessation of said nuisance, and that the owner of the property had been most cooperative in this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, August 8, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 8, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A petition was received from Richard L. Coleman and wife that the zoning ordinance be amended to permit grading and excavation before establishment of required buffer zones.

This request was referred to the Planning and Zoning Commission for study and recommendation, upon motion of Councilman Morgan, seconded by Councilman McRary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the Neighborhood Trading zoning boundary line be extended twenty additional feet to the rear of Lots 21 and 22, sheet 5, Ward 7, and that the owner should put in screen planting to specification of the Planning and Zoning Commission to permit adequate buffering between Neighborhood Trading Area and the adjacent RA-5 Residential District.

August 8, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held August 7, 1968, the following action was taken on the request of Service Distributing Company, Inc.:

It was moved, seconded, and unanimously passed that the Commission recommend that the Neighborhood Trading Area zoning boundary line be extended twenty (20) additional feet to the rear of Lots 21 and 22, Sheet 5, Ward 7, and that the owner should put in screen planting to specification of the Planning and Zoning Commission to permit adequate buffering between Neighborhood Trading Area and the adjacent RA-5 Residential District.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr

Upon motion of Councilman Morgan, seconded by Councilman Crouch the recommendation of the Planning and Zoning Commission was accepted and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with said recommendation would be presented.

Ordinance No. 604, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69", was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 604

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1968 and ending on June 30, 1969, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government		
Law	$ 803,280.46	
Finance	35,596.00	
Aviation	106,103.66	
Public Safety	188,258.80	
Libraries	1,973,370.48	
Public Works	217,045.00	
Parks and Playgrounds	1,756,058.04	
Land Management	403,317.84	
	131,348.00	
Total General Operating Fund		$ 5,614,378.28

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$2,083.037.50	$ 2,083.037.50

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	742,275.00	
Water Refunding Bonds	230,000.00	
Water Bonds Issue 1951	187,918.70	
Water Bond Issue 1961	304,340.90	
Airport Bond Issue 1 and 2	102,013.00	
Urban Development Bonds	67,965.00	
Total Debt Service Fund		1,634,512.60
TOTAL APPROPRIATIONS		$ 9,331,928.38

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1968 and ending on June 30, 1969 to meet the foregoing appropriations, according to the following schedule.

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$2,692,747.00	
Other Revenues as follows:		
License & Privilege Taxes	234,300.00	
Payment in Lieu of Taxes	513,731.28	
Fees	164,500.00	
Parking Meter Fees	80,000.00	
Court Costs	87,000.00	
Rents	64,000.00	
Income from Parks	87,100.00	
Miscellaneous	130,000.00	
Contribution from State Street Fund	350,000.00	
Contribution from Housing Authority	21,000.00	
Contribution from State Rev. Dept.	100,000.00	
Contribution from A B C Stores	615,000.00	
Riverside Cemetery Co.	20,000.00	
Aviation	160,000.00	
Current Year's Poll Tax and Taxes Other than Current Year's Property Tax and Other Than Hereinbefore Itemized	295,000.00	
TOTAL GENERAL OPERATING FUND		$ 5,614,378.28

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$2,083,037.50	2,083.037.50

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 912,253.00	
Water and Other Charges from Water Department	722,259.60	
TOTAL DEBT SERVICE FUND		1,634,512.60
TOTAL ESTIMATED REVENUES		$ 9,331,928.38

Section 3. There is hereby levidd the following rates of tax on each one hundred ($100) valuation of taxable property, as listed for taxes as of January 1, 1968, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	$ 1.307159
Debt Service Fund (for the payment of interest and principal on outstanding debt of General Refunding Bonds)	.442841
Total rate per $100 of valuation of taxable property	$ 1.75

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $206,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 25 day of July, 1967.

T. B. Sumner
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 8 day of August, 1968, to become effective 8 day of August, 1968.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that today is the day set for the continued hearing on the proposed closing of a portion of Georgia Avenue and a portion of New York Avenue, advising that these are unopened streets which have never been accepted by the city, and advised that he thought it would be wise to let the record show that streets have never been accepted by the city, and that no action be taken on the requested closing.

The City Manager recalled that in the budget funds were provided for additional facilities at Bee Tree Lake and Lake Julian, and that the Federal government will participate in the amount of one-half of the estimated cost.

Councilman Crouch then introduced resolution authorizing the filing of an application for outdoor recreation grant for Bee Tree Lake Recreation Area, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 5 at page 201

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending June 30, 1968.

The City Manager presented for public inspection rules and regulations for the operation of vehicles and safety regulations at the Asheville Airport, advising that the Council can take action by motion at a later date.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 15, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 15, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, Robert P. Crouch, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from Robert F. Phillips resigning as a member of the Sinking Fund Commission for Buncombe County.

Upon motion of Councilman Mulvaney, seconded by Councilman Crouch, this resignation was accepted with regret, and the City Clerk was directed to express to Mr. Phillips the appreciation of the Council for his service as a member of the Commission.

A letter was received from Ruben J. Dailey, attorney for Lacy T. Haith requesting that the subdivision and new street known as West Haith Drive be dedicated and accepted by the city together with improvements, and that the plat be approved.

In this connection a letter from the Planning and Zoning Commission was read in which it was stated that said plat had been reviewed and given conditional approval provided it met the requirements of Ordinance #424.

Mr. Dailey appeared before the Council and advised that the plat now met said requirements and requested that it be approved.

Following a discussion, Councilman Crouch moved that the plat be approved subject to final review of the Planning and Zoning Commission, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Sumner introduced a resolution appointing Karl H. Straus as Commissioner Number Four of the Sinking Fund Commission for Buncombe County, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 202.

The City Manager advised that the term of D. Bieman McKenzie, Sr. as a member of the Redevelopment Commission of the City of Asheville would expire on August 21, 1968.

Councilman Mulvaney then introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 203.

The City Manager advised that certain vacancies existed on the Citizens Action Committee on Beautification and Clean-Up, and that the Steering Committee had suggested replacements.

Councilman McRary then introduced resolution appointing members to Citizens Action Committee on Beautification and Clean-Up, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 204.

The City Manager recalled that several weeks ago in discussing the location of the City Center in downtown Asheville the matter of multiple parking in said area was also discussed, and to assist the City Manager in carrying out this phase of development suggested the creation of an Advisory Committee to the City Manager to provide parking in downtown Asheville, giving the names of proposed members of said Committee, being Charles R. Kern, Murray A. Miller, James G. Stikeleather, Jr., Fred Pearlman, and Seymour Fligel.

Upon motion of Councilman Sumner, seconded by Councilman Crouch, the procedure taken by the City Manager was approved.

The City Manager reported receipt of a letter to the City Council from the Asheville Central Labor Union and the Building and Construction Trades Council protesting the location of the City Center.

Mr. Floyd Sales of New Haw Creek asked if the proposed Rules and Regulations for the Airport are to be brought up at this meeting.

He was advised by Robertson Wall, Corporation Counsel, that the said Rules and Regulations were only presented at the previous meeting of the Council for consideration in the near future, and Mr. Wall stated he would be glad to meet with Mr. Sales at any time to discuss the matter.

Councilman McRary discussed the matter of intersections which are blind because of shrubbery or other plantings, and expressed the opinion that something should be done to remedy this hazard.

The City Manager suggested that the matter be referred to the Planning and Zoning Commission to see if the zoning ordinance can be amended to provide for a set-back for such plantings.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 22, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 22, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, Robert P. Crouch, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

PLANNING AND ZONING COMMISSION -
RESIGNATION OF JAMES M. COLEMAN

A letter was received from James M. Coleman resigning as a member of the Planning and Zoning Commission, which resignation was accepted with regret, and the City Clerk was directed to write a letter to Mr. Coleman expressing the appreciation of the Council for his long service as a member of this commission.

CORPORATE LIMITS - ANNEXATION
REQUESTED BY BEN LIPPEN SCHOOL

A letter was received from Ben Lippen School requesting that the school property be annexed into the City of Asheville.

The City Manager recalled that a study is now under way on a master annexation plan which would double the present 24-square miles of city area. He was requested by the Council to discuss with Ben Lippen School authorities whether there is a need for immediate action or whether it can wait until the master plan goes into effect probably in August of next year.

The City Manager explained the provisions of a resolution authorizing an amendment to the city's loan and grant contract with the Department of Housing and Urban Development for the purpose of obtaining 25 per cent credit for the Asheville Community Center as a non-cash grant-in-aid.

Councilman Morgan then introduced a resolution authorizing filing of Amendatory Application for Loan and Grant, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 205.

Tony Smith of WLOS-TV called the Council's attention to a recent study he had made of the French Broad River showing an accumulation of trash along the river banks, and asked if there was any provision for cleaning this.

The City Manager advised that property on both sides of the river is privately owned, and that the city would not have jurisdiction other than to enforce health or other regulations.

Mr. William J. McCanless presented a letter requesting that the traffic light at the Biltmore Dairy Bar be removed.

The City Manager advised that the State Highway Commission has taken over all marked highways in the city and this matter would have to be referred to the State Highway for decision. The Council referred the question to the City Manager for discussion with the State Highway Commission.

Miss McCoy spoke in opposition to metropolitan government and the appointment of the new City Manager.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 29, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 29, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

A letter was received from the Chairman of the Board of Trustees of Haywood Street Methodist Church, owner of the property on both sides of Buttrick Street, that this street be closed.

The City Manager advised that Buttrick Street is adjacent to the church and in revising the movement of traffic in the area the church acquired all of the property facing Buttrick Street and the State was therefore relieved of making an intersection. The City Manager further advised that it is necessary to secure a metes and bounds description of said street and hold a public hearing, and the request was referred to the City Manager.

A letter was received from Asheville Unit #171 of the American Contract Bridge League requesting space in the new City Center.

This request was referred to the Architects and Advisory Committee for their information.

A letter was received from the Chairman of the Buncombe County Board of Commissioners inviting the Council to attend a meeting on Tuesday morning at 10:00 o'clock for the purpose of discussion present water problems and future water needs in Asheville and Buncombe County.

Councilman Sumner suggested that since the library space in the new Oakley Fire Station and Community Center would not be used for some months that this space be offered to civic organizations.

The City Manager advised that there is already space for community activities in the building, but that this suggestion would be forwarded to the Parks and Recreation Department.

Councilman Morgan introduced a resolution electing member of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 206.

The City Manager advised that a resolution had been prepared authorizing agreement between James E. Ashe, Certified Public Accountant and City of Asheville, and that Mr. Ashe had served in this capacity for many years.

Councilman Mulvaney the introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 207.

At the request of Mayor Eller Councilman Crouch read a resolution commending City Manager Weldon Weir for his long and faithful service to the city, which resolution was signed by all members of the Council and is made a part of these minutes.

RESOLUTION
OF
THE COUNCIL
OF THE
CITY OF ASHEVILLE

WHEREAS, J. WELDON WEIR has long and faithfully served the City of Asheville and devoted the fruitful years of his life to the improvement of the City, proper regulation of its affairs, and the furtherance of its progress; and

WHEREAS, J. WELDON WEIR has submitted his resignation from his present post as City Manager of the City of Asheville; and

WHEREAS, Council has accepted his resignation with deep regret; and

WHEREAS, the present members of the City Council have had the privilege for many years of being associated with J. WELDON WEIR in the performance of his duties and feel a great appreciation of and a high regard for the value of his services to them and to the City; and

WHEREAS, J. WELDON WEIR'S REsignation becomes effective on the 4th day of September, 1968,and the City Council by this resolution expresses its appreciation for their long association with him and for the great public services rendered by him;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Asheville:

1. That the City Council of the City of Asheville does hereby acknowledge its deep indebtedness to J. WELDON WEIR and, by this resolution, expresses its thanks and the thanks of the City of Asheville for the many years of service given by J. WELDON WEIR to the City and to this Council;

2. That a copy of this resolution be made, that it be signed by all of the members of this Council, sealed with the Great Seal of the City of Asheville, and presented to J. WELDON WEIR.

I move the adoption of the foregoing resolution.

E. W. Eller
Mayor

Seconded

Robert P. Crouch
Councilman

Frank M. Mulvaney
Councilman

T. B. Sumner
Councilman

W. F. Algary
Councilman

C. E. Morgan
Councilman

J. W. McRary
Councilman

Read, approved and adopted, this 29 day of August, 1968.

Margaret Simmons
City Clerk

E. W. Eller
Mayor

Robertson Wall
Corporation Counsel

ORDINANCE NO. [illegible] - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager announced that today is the date set for a public hearing on the requested zoning of certain property on London Road, and that due advertisement had been made of said public hearing.

There being no objection, Councilman Crouch introduced "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

AUDIT

The City Manager presented the Audit of the City of Asheville for the period ending June 30, 1968.

CIVIC ARTS CENTER - PLANS APPROVED

The City Manager advised that plans for the proposed Civic Arts Center have been prepared by Six Associates, and Mr. Henry Gaines and William B. McGehee of said firm presented the firm's proposed plans for the structure, the concept of which was approved by the City Council.

Mr. Otto Feistmann, president of the Civic Arts Council, Inc., advised his organization's Building and Site Committee approves and endorses the proposed plans of Six Associates.

The City Manager advised that title to the property will vest in the City of Asheville, and that the Council will direct the policy and use of the building.

It was brought out during the discussion that the parking area for this building will overlap the property lines of others, including the new Health and Welfare Building, and upon motion of Councilman Algary, seconded by Councilman Morgan the matter of working out a workable program for this parking was referred to the newly created City Manager's Advisory Committee for Providing Parking.

WEIR, J. WELDON - APPRECIATION AND THANKS FOR COOPERATION

City Manager Weir expressed his sincere appreciation for the splendid cooperation and help of the Council in carrying on the administrative job of the city, and also expressed his appreciation to the city employees working in every level of government, to the news media, and to the leaders in the community who have given their time and talent in the service of the city. Mr. Weir reviewed some of the accomplishments of the City Council, which have done much to aid in the growth of the community, and predicted even greater growth in the future.

CITY CENTER - REPORT BY COUNCILMAN ALGARY

Councilman Algary gave a report on an investigative trip made by members of the City Manager's Advisory Committee on preliminary plans for the City Center, and suggested that Council members might like to make such a trip to Knoxville.

The City Manager advised that the Committee on the City Center will meet on Friday and the Committee on Parking will meet on Tuesday.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

State of North Carolina
Department of Archives and History
Raleigh

CERTIFICATE OF AUTHENTICITY

This is to certify that the microphotographs appearing on this reel are true and accurate reproductions of the records listed on the target (title) sheet preceding each volume or series of records microfilmed hereon; that the records were microfilmed on the date and at the reduction ratio indicated; and that on the date of microfilming, the records were in the custody of the official or other individual listed on the target sheet(s).

It is further certified that the records listed on the aforesaid target sheet(s) were microfilmed in conformity with the provisions of Sections 8-45.1 - 8-45.4, General Statutes of North Carolina; and that in order to insure archival quality and authentic reproduction of records filmed, they were microfilmed in the manner prescribed, and with equipment and film approved, by the State Department of Archives and History.

(Signed) H. O. Stuart
Camera Operator

Date 7-11-73

NCDA&H

END

OF BOOK

NCDA&H

END
OF REEL